



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.(MD)No.629 of 2021

Vivekanandan

... Petitioner/
Petitioner

Vs.

The State represented by
Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.233/2021)

... Respondent/
Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the Judicial Magistrate Court No.II, Sivakasi, in Crl.M.P.No.2219 of 2021 on 26.07.2021.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Petition has been filed challenging the order passed by the the Judicial Magistrate Court No.II, Sivakasi, in Crl.M.P No.2219 of 2021 on 26.07.2021, thereby dismissing the petition filed by the petitioner for return of cash which was seized from the custody of the petitioner pursuant to Crime No.233 of 2021 on the file of the respondent herein.

2. The petitioner is an accused in Crime No.233 of 2021 for the offences under Sections 4(1)(a) and 4(1)(i) of Tamil Nadu Prohibition Act. The petitioner was arrested and remanded to the judicial custody. The respondent herein also seized a sum of Rs.26,717/- (Rupees Twenty Six Thousand Seven Hundred and Seventeen only) from the petitioner and deposited before the learned Judicial Magistrate No.1, Sivakasi. While the pendency of investigation, the petitioner filed this petition for return of the said cash. It was dismissed for a reason that the investigation is pending.



3. Further, the learned counsel for the petitioner submitted that the petitioner is ready and willing to produce the bank guarantee for release of the cash at the time of trial.

4. In view of the above, the impugned order passed by the learned Judicial Magistrate Court No.II, Sivakasi, in Crl.M.P No.2219 of 2021 on 26.07.2021, is set aside on a condition that the petitioner shall furnish the bank guarantee for the equal sum. On such production of bank guarantee for the said amount, the Court below is directed to return the cash of Rs.26,717/- (Rupees Twenty Six Thousand Seven Hundred and Seventeen only) to the petitioner on the following conditions:

(i)The petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Sivakasi, within a period of four weeks from the date of receipt of copy of this order;

(ii)The seized amount should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iii)If any of the conditions are violated, this order automatically stands cancelled.

5. Accordingly, this Criminal Revision Case is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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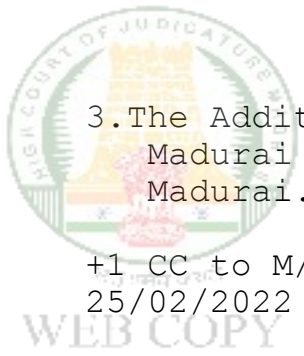
/ /2022

Sub Assistant Registrar(CS)

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To:-

- 1.The Judicial Magistrate Court No.II,
Sivakasi
- 2.The Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-8625[F] dated
25/02/2022)

Crl.R.C.(MD)No.629 of 2021
24.02.2022

RK(11/03/2022) 3P 5C