



Crl.R.C.(MD).No.955 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.955 of 2022

Mathiyazhagan

.. Petitioner

Vs.

State through the
Inspector of Police,
District Crime Branch,
Karur District,
(Crime No.12 of 2021)

.. Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records of the learned Judicial Magisterial No.II, Karur in Crl.M.P.No.2015 of 2022, dated 03.09.2022 and set aside the condition and modify the conditions No.1 and 2 imposed upon the petitioner.

For Petitioner : Mr.N.Shyllappa Kalyan

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed against the order passed by the learned Judicial Magisterial No.II, Karur in Crl.M.P.No.2015 of 2022, dated 03.09.2022 and to modify the conditions No.1 and 2 imposed



Crl.R.C.(MD).No.955 of 2022

upon the petitioner.

WEB COPY

2.The above said application was filed by the petitioner seeking return of vehicle, which was remanded to custody bearing registration No.TN 07 BK 3663. While passing the order, the trial Court has imposed the condition upon the petitioner to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) and apart from that the petitioner was also directed to execute a bond for a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) along with a independent surety also. Seeking modification of the condition, this petition has been filed.

3.On going through the CD file, this Court could not find reasons as to how the above said vehicle is implicated in the crime. It is seen that since the accused person travelled in the said vehicle, it was seized and shown as the property. This itself is totally illegal. It is not the case of the prosecution that this vehicle is the profit of crime. The petitioner is a third party to the above said crime. He has not have been imposed such a stringent condition. It is also onerous in nature.



Crl.R.C.(MD).No.955 of 2022

4. Therefore, the conditions 1 and 2 imposed in Crl.M.P.No.2015 of 2022 on the file of the learned Judicial Magistrate No.II, Karur, is modified to the effect that *'the petitioner shall execute a bond for a sum Rs.10,00,000/- (Rupees Ten Lakhs only) before the concerned Court along with two independent sureties each for a like sum to the satisfaction of the learned Magistrate concerned'*. Other conditions shall stand.

5. Accordingly, this Criminal Revision Case is partly allowed.

29.09.2022

Index : Yes / No

Internet : Yes / No

TM

To

1. The Judicial Magistrate No.II, Karur.

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



WEB COPY



Crl.R.C.(MD).No.955 of 2022

G.ILANGO VAN,J.

TM

Crl.R.C.(MD).No.955 of 2022

29.09.2022