



Crl.R.C.(MD) No.1031 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.1031 of 2022

Mariappan

... Petitioner/Petitioner/
owner of the vehicle

Vs.

State through
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(In Crime No.104 of 2022)

... Respondent/Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by the Additional District Munsif Cum Judicial Magistrate, Sivagiri in Cr.M.P.No. 505 of 2022 dated 24.03.2022 and set aside the condition in so far directing the petitioner to execute bond for Rs.10,00,000/- along with one surety like sum.

For Petitioner : Mr.C.Mayilavahana Rajendran

For Respondent : Mr.S.Manikandan
Government Advocate (Crl. Side)



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Crl.R.C.(MD) No.1031 of 2022

ORDER

This Criminal Revision Petition is filed to call for the records pertaining to the order passed by the Additional District Munsif Cum Judicial Magistrate, Sivagiri in Cr.M.P.No.505 of 2022 dated 24.03.2022 and set aside the condition in so far directing the petitioner to execute bond for Rs.10,00,000/- along with one surety like sum.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Lorry, bearing Registration No.TN-28-AE-4959 and one Velusamy was working as driver. On 13.03.2022, the lorry was missing along with driver. Hence, the petitioner lodged a complaint before the respondent police on 14.03.2022, based on the complaint given a case was registered in Crime No. 104 of 2022 under Section 379 of IPC. Subsequently, vehicle was recovered and the same was produced before the Judicial Magistrate, Sivagiri. The petitioner claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Crl.M.P.No.505 of 2022, before the Additional District Munsif Cum Judicial Magistrate, Sivagiri, for temporary return of the vehicle. That petition was allowed on 24.03.2022, with certain conditions.



Crl.R.C.(MD) No.1031 of 2022

WEB COPY

3.The learned Magistrate, while granting order of return of vehicle, imposed the conditions upon the petitioner. One of the conditions (1) is that '*the petitioner shall execute a bond for Rs.10,00,000/- along with one surety of like sum,*

4.The grievance of the learned counsel for the petitioner is that the petitioner has not involved in the above said commission of offence. Since the petitioner is the owner of the vehicle, the above said condition is onerous in nature.

5.Whether the vehicle is involved in the offence is a matter for investigation or trial. On that ground, the order of execution a bond for a sum of Rs.10,00,000/- along with one surety for a like sum to the satisfaction of the concerned Court is modified to the effect that the petitioner shall execute a bond for a sum of Rs.50,000/- along with one surety each for a like sum to the satisfaction of the concerned Court. The other conditions shall remain unaltered.



Crl.R.C.(MD) No.1031 of 2022

WEB COPY

Accordingly, this Criminal Revision Case is allowed, to the extent noted above.

31.10.2022

Index : Yes/No
Internet : Yes/No
tta

(Issue Order Copy on 03.11.2022)

To:-

- 1.Additional District Munsif Cum Judicial Magistrate,
Sivagiri.
- 2.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.R.C.(MD) No.1031 of 2022

G.ILANGO VAN, J,

tta

ORDER MADE IN
Crl.R.C.(MD)No.1031 of 2022



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Crl.R.C.(MD) No.1031 of 2022

31.10.2022