



Crl.R.C.(MD) No.980 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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Dharmalingam

... Petitioner

Vs.

**The Inspector of Police
Marthandam Police Station
Rep. by the Public Prosecutor
Kanyakumari District
at Nagercoil
Crime No.264 of 2022**

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Crl.M.P.No. 4711 of 2022 on the file of the Principal Sessions Court, Nagercoil, Kanniyakumari Dated. 01.09.2022 and to set aside the order as far as concerned and onerous condition no. i) alone imposed and to modify the same.

For Petitioner : Mr.S.C.Herold Singh

**For Respondent : Mr. K.Sanjai Gandhi
Government Advocate (Criminal Side)**



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ORDER

This petition has been filed to call for the records in Crl.M.P.No. 4711 of 2022 on the file of the learned Principal Sessions Judge, Nagercoil, Kanniyakumari, dated 01.09.2022 and to set aside the order insofar as condition No. (i) alone is concerned and to modify the same.

2.The petitioner claims to be the owner of the 407 tipper tempo bearing Reg.No.TN 74 BA 4124. The petitioner submits that the respondent police registered a case in Crime No.264 of 2022 for the offence under Section 379 of IPC and confiscated the vehicle and it was produced before the learned Judicial Magistrate No.I, Kuzhithurai and it was numbered as R.P.No.454 of 2022. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Kanniyakumari, by way of filing a petition in Crl.M.P.No.4711 of 2022 for release of the vehicle and the learned Principal Sessions Judge has allowed the petition filed by the petitioner by its order dated 01.09.2022, directing the petitioner to execute a bond for a sum of Rs.7,00,000/-(Rupees Seven lakh only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildhar) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai. Challenging the said condition imposed



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by the Court below, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) and perused the materials available on record.

4.The only grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge, Kanniyakumari to execute a bond for a sum of Rs.7,00,000/-(Rupees Seven lakh only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildhar) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai is onerous.

5.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is a first offender. Further, the case is under investigation. In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Kanniyakumari, made in Crl.M.P.No.4711 of 2022, dated 01.09.2022 directing the petitioner to execute a bond for a sum of Rs. 7,00,000/-(Rupees Seven lakh only) with two solvent sureties(solvency



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certificate to be obtained from the concerned Tahsildhar) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildhar) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai. In respect of other conditions, the order of the learned Principal Sessions Judge, Kanniykumari, shall remain unaltered.

07.10.2022

Index : Yes/No
Internet : Yes/No
pkn/smn2

To:-

- 1.The Principal Sessions Judge,
Kanniyakumari
2. The Inspector of Police
Marthandam Police Station
Kanyakumari District
Nagercoil
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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T.V.THAMILSELVI,J.

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