



Crl.R.C(MD) No.1112 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.R.C(MD)No.1112 of 2022

**Kala
W/o.Johnson**

... Revision Petitioner

Vs.

**Inspector of Police,
Marthandam Police Station,
Kanyakumari District.**

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records and set aside the first condition in Para 7(i) imposed on the petitioner in Crl.M.P.No.4662 of 2022 dated 02.09.2022 on the file of the Principal Sessions Judge, Kanniyakumari District at Nagercoil and allow the Criminal Revision Petition.

**For Petitioner : Mr.S.Sivakumar
For Respondent : Mr.S.Manikandan
Government Advocate(Crl.side)**



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ORDER

This Criminal Revision Petition is filed to call for the records and set aside the first condition in Para 7(i) imposed on the petitioner in Crl.M.P.No.4662 of 2022 dated 02.09.2022 on the file of the Principal Sessions Judge, Kanniyakumari District at Nagercoil.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the tipper tempo, bearing Registration No.TN-75-K-4821. The said vehicle was seized by the respondent police, a case was registered in Crime No.264 of 2022 for the alleged offences under Section 379 of IPC and the same was produced before the Judicial Magistrate Court No.I, Kuzhithurai. Thereafter, the petitioner claiming herself as the owner of the vehicle and filed a petition under Section 451 of Cr.P.C in Crl.M.P.No.4662 of 2022, before the Principal Sessions Judge, Kanniyakumari District at Nagercoil, for temporary return of the vehicle. That petition was allowed on 02.09.2022, with certain conditions.



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3.The learned Magistrate, while granting the order of return of vehicle, imposed the conditions upon the petitioner. One of the condition 7(i) is that '*the petitioner shall execute a bond for a sum of Rs.10,00,000/- along with two sureties each for a like sum to the satisfaction of the concerned Court.*

4.The grievance of the learned counsel for the petitioner is that the petitioner is the owner of the vehicle and the case was registered for taking red sand from his own land for the purpose of levelling his own land. He would further submit that the petitioner is not in a position to arrange a bond for a sum of Rs.10,00,000(Rupees Ten Lakhs only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for like sum to the satisfaction of the Judicial Magistrate No.I, Kuzhithurai.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6.The main grievance of the petitioner is that the vehicle was manufactured in the year 2012 and that the condition imposed by the learned Special District Judge, in directing the petitioner to execute a bond for a sum of Rs.10,00,000/-



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along with two solvent sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai is onerous.

7.Considering the above facts and circumstances of the case and also considering the oldness of the vehicle, the order of the learned Principal Session Judge, Kanniyakumari District at Nagercoil, made in Crl.M.P.No.4662 of 2022, dated 02.09.2022 is modified in respect of the condition No.7(i) alone and it is modified to the effect that the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- along with two solvent sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai. The other conditions shall remain unaltered.

In the result, the Criminal Revision Case is allowed.

17.11.2022

Index : Yes/No
Internet : Yes/No
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To:-

1. Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
2. Principal Sessions Judge,
Kanniyakumari District,
Nagercoil.



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G.ILANGOVAN,J

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ORDER MADE IN
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