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CRL.RC.No.585 of 2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 03.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.RC.No.585 of 2023

R. Geetha Rajkumar

.. Petitioner

Vs.

The State, represented by
the Inspector of Police
(Job racket Wing, Team VIII)
Central Crime Branch, Vepery,
Chennai

..Respondent

Prayer: Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. to modify the condition stipulated in CrI.M.P.No.14510 of 2022 in CNR No.TNCH0F – 022969 – 2022 in CCB Crime No.300 of 2022 on the file of the Court of the CCB and CBCID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner

: Mr.K.M.Subramanian

For Respondent

: Mr. R.Vinoth Raja

Govt. Advocate (crl.side)

ORDER

This Criminal Revision Case is filed seeking to modify the condition imposed on the petitioner in CrI.M.P.No.14510 of 2022 by the Court of CCB and CBCID Metropolitan Magistrate, Egmore, Chennai while ordering for returning of passports of the petitioner and her



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vehicle .

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2. The learned counsel for the petitioner submitted that the court below, while granting interim custody of the property kept under the custody of it, in B.No.781 of 2022-Car Swift Dzire ZDI, bearing Regn.No.TN-22-DA-4621, has imposed a condition 'i)' that the petitioner shall execute a bond for Rs.10 lakhs to the said Car along with sureties for the likesum. He would further submit that the petitioner is unable to furnish the surety as ordered by the court below, since the surety amount fixed was very much on the higher side. Thus he prayed for modification of such onerous condition imposed on the petitioner.

3. The learned Govt. Advocate (crl.side) submitted that the petition seeking for modification of condition imposed by the court below should be filed before the concerned court which imposed the condition, but the petitioner herein, without filing the same, straightaway approached this Court seeking modification of such condition. Hence, this petition is unsustainable and the Revision is not maintainable. Thus he pleaded for dismissal of this revision.



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4. Heard both sides and perused the impugned order and other materials available on record.

5. On perusal of records and the impugned order, it is seen that the petitioner filed an application in CMP.No.14510 of 2022 before the trial court seeking interim custody of her vehicle which was seized by the respondent police in connection with a case registered in CCB.Cr.No.300 of 2020 against the petitioner for the alleged offences u/s.406, 420, 465, 468 r/w.34 IPC.

6. The learned Judge, after considering the submission of the learned counsel for the petitioner allowed her petition seeking interim custody of the vehicle in CrI.M.P.No.14510 of 2022 and granted interim custody of the vehicle on condition that the petitioner shall execute a bond for a sum of Rs.10 lakhs along with sureties for the likesum.

7. It is noticed that the petitioner had not approached the trial court itself who passed the impugned order for modifying the above said condition, without approaching the concerned court, , the petitioner has straightaway approached this Court and filed this revision petition for



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modification of condition imposed by the court below. It is to be noted that for modification of any condition imposed by the court below, the petitioner has to approach the concerned court which imposed such condition. Without approaching the court below, the petitioner has straightaway approached this court by filing the revision for modification of condition imposed by the trial court, which, in the considered opinion of this court, is not maintainable. Therefore, this revision is dismissed with liberty to the petitioner to approach the court below to file application for modification of the above said condition.

03.04.2023

msr

Index:yes/no

Internet:yes/no

To

1. The Court of CCB and CBCID Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police
(Job racket Wing, Team VIII)
Central Crime Branch, Vepery,
Chennai
3. The Public Prosecutor,
High Court, Madras



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V. SIVAGNANAM, J.

msr

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