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Crl.R.C.No.658 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

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THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.658 of 2023

Indira Gandhi

... Petitioner

Vs.

The State Rep. by
the Inspector of Police,
R-5 Police Station,
Virugambakkam,
Chennai-600 092.

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for records pertaining to the order dated 06.03.2023 made in Crl.M.P.No.2799 of 2023 in Crime No.87 of 2023 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai and set aside the same.

For Petitioner : Mr.G.Muthukumar

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

Challenging the orders, dated 06.03.2023 passed in Crl.M.P.No.2799 of 2023 by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, the present Criminal Revision is filed.

2. The revision petitioner has filed a petition in Crl.M.P.No.2799 of 2023 under Sections 451/457 of Cr.P.C., before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, seeking for interim custody of the following articles:

- i. Diamond Necklace -1
- ii. Gold Necklace -1-1/4 Sovg.
- iii. Gold Ring 3 Nos.-1-3/4 Sovg.
- iv. Gold Bracelet -1-1/2 Sovg.
- v. Gold Ear Stud - 4 Sovg.
- vi. Gold Bangles - 2 Nos.
- vii. Gold Lakshmi Dollar 1 -9-3/4 Sovg.
- viii. Cash Rs.28,000/-

3. The XXIII Metropolitan Magistrate, Saidapet, Chennai -15 vide his orders dated 06.03.2023 allowed the said petition on the following conditions:

(a) The petitioner shall execute a bond for Rs.7,00,000/-



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along with one surety who must also execute a bond for like sum to the satisfaction of this Court.

(b) The petitioner shall file a clear photograph of the property.

(c) The petitioner shall not alter or change the nature of the property and shall not alienate the property in any manner.

(d) The petitioner shall produce the property before this Court on every first working day and get return of the same.

4. The learned counsel for the revision petitioner contended that as far as the first condition imposed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai is concerned, it is onerous and therefore the same has to be modified.

5. A perusal of the order, dated 06.03.2023 shows that the learned XXIII Metropolitan Magistrate had directed the petitioner to execute a bond for Rs.7,00,000/- with one surety for likesum to the satisfaction of the Magistrate. The Magistrate had not directed the



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petitioner to deposit a sum of Rs.7 lakhs.

6. In the circumstances, the first condition imposed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai cannot be said to be onerous. Accordingly this Criminal Revision is dismissed.

07.08.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

- 1.The XXIII Metropolitan Magistrate, Saidapet,
Chennai.
- 2.The Inspector of Police,
R-5 Police Station,
Virugambakkam,
Chennai-600 092.
3. The Section Officer,
Criminal Section, High Court,
Madras.

R. HEMALATHA, J.



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