



Crl.R.C(MD) No.195 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.R.C(MD)No.195 of 2023

Saleen @ Salin

... Revision Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thiruvattar 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 pertaining to the order passed in Crl.M.P.No.5031 of 2022 dated 22.09.2022 on the file of the learned Principal District and Sessions Court, Kanyakumari at Nagercoil and modify the onerous first condition to execute a bond for a sum of Rs.10,00,000/- with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a like sum to the satisfaction of the Judicial Magistrate No.II, Padmanabhapuram.



WEB COPY



Crl.R.C(MD) No.195 of 2023

For Petitioner : Mr.K.Sivabalan
for G.Aravinthan
For Respondent : Mr.R.Suresh Kumar
Government Advocate(Crl.side)

ORDER

This Criminal Revision Petition is filed to call for the records and set aside the first condition in Para 6(i) imposed on the petitioner in Crl.M.P.No.5031 of 2022 dated 22.09.2022 on the file of the Principal District and Sessions Court, Kanyakumari at Nagercoil.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the tipper, bearing Registration No.TN-74-AC-9545. The said vehicle was seized by the respondent police and a case was registered in Crime No.179 of 2022 for the alleged offences under Section 379 of IPC. 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.5031 of 2022, before the learned Principal Sessions Judge, Kanniyakumari at Nagercoil, for temporary return of the vehicle. That petition was allowed on 22.09.2022, with certain conditions.



Crl.R.C(MD) No.195 of 2023

WEB COPY

3.The learned Judge, while granting the order of return of vehicle, imposed the conditions upon the petitioner. One of the condition 6(i) is that '*the petitioner shall execute a bond for a sum of Rs.10,00,000/- along with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a like sum to the satisfaction of the Judicial Magistrate No.II, Padmanabhapuram.*

4.The grievance of the learned counsel for the petitioner is that the petitioner is the owner of the vehicle and as per FIR, only an attempt has been made to transport the sand illegally. 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.II, Padmanabhapuram.

5. The learned Government Advocate(Crl.Side) submitted that the vehicle is not involved in any other cases and only an attempt has been made to transport the sand illegally.



Crl.R.C(MD) No.195 of 2023

WEB COPY

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

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

8.Considering the above facts and circumstances of the case and also considering the oldness of the vehicle, the order of the learned Principal District and Sessions Judge, Kanniyakumari at Nagercoil, made in Crl.M.P.No.5031 of 2022, dated 22.09.2022 is modified in respect of the condition No.6(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(solveny certificate to be obtained from the concerned Tahsildar) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Padmanabhapuram. The other conditions shall remain unaltered.



Crl.R.C(MD) No.195 of 2023

WEB COPY

In the result, the Criminal Revision Case is allowed.

16.02.2023

Index : Yes/No
Internet : Yes/No
tta

To:-

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



WEB COPY



CrI.R.C(MD) No.195 of 2023

G.ILANGO VAN,J

tta

**ORDER MADE IN
CrI.R.C.(MD)No.195 of 2023**

16.02.2023