



CRL.RC.(MD).No.55 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Jurisdiction

Monday, the Fourteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL MP(MD). No.11093 of 2023

in

CRL.RC.(MD).No.55 of 2019

M/s.Lucky Road Lines
Its Partner Rajamanickam No.100
Komarapalayam Road Pallipalayam
Erode-638 006

... Petitioner/Petitioner

Vs

1 The Inspector of Police
Avaniyapuram Police Station Madurai
District Crno.657/2004

... Respondent/Respondent

Prayer :-

Criminal Miscellaneous Petition filed Under Section 482 of Criminal Procedure Code to Modify the order in 1st part of condition Para 6(a) to the effect that the petitioner is directed to furnish surety to the said amount instead of to furnish bank guarantee to the said amount as per the order passed in Crl.R.C.(MD).No.55/2019 dated 02.07.2019

Prayer in CRL.RC(MD).No. 55 of 2019:

This Criminal Revision has been filed Under Section 397r/w 401 of Criminal Procedure Code against the order of the Judicial Magistrate No.VI, Madurai, dated 02.02.2019 made in CRL.MP(MD).No.315 of 2019 in C.C.560 of 2006 and further permit the petitioner to get interim custody of the deposit amount of Rs.3,25,500/- in the hands of the Judicial Magistrate No.VI, Madurai.



CRL.RC.(MD).No.55 of 2019

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ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. I.Saliyakhan, Advocate for the Petitioner and of Mr. M.Sakthi Kumar, Government Advocate for the respondent, this Court made the following order:

This criminal miscellaneous petition has been filed to modify the order passed by this Court in 6(a) to the effect that to furnish surety to the said amount instead of to furnish bank guarantee.

2.According to the petitioner, this Court passed an order in Crl.R.C.(MD)No.55 of 2019 by imposing condition that the petitioner should furnish bank guarantee to the said amount. Now the petitioner filed this petition on the ground that he has no money and he is not in a position to furnish bank guarantee. Instead of bank guarantee, he is ready to furnish surety and thereby, the above said condition has to be modified.

3.The learned Government Advocate(Crl.side) appearing for the respondent has not raised any serious objection with regard to the modification.

4.According to the petitioner, the amount recovered from the driver by the respondent police is belonging to the petitioner and in order to recover the said amount, he has to furnish surety



CRL.RC.(MD).No.55 of 2019

WEB COPY

5. Considering the submissions made on either side and considering the fact that this Court already directed the petitioner to furnish bank guarantee and the petitioner is not in a position to furnish the same and he is ready to furnish surety for the above said amount and in the interest of justice, the condition imposed in para 6(a) is hereby modified to the effect that the petitioner shall furnish surety for the above said amount and other conditions imposed earlier are unaltered. Accordingly, this criminal miscellaneous petition is allowed.

Sd/-

Assistant Registrar()

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

TO

1. The Judicial Magistrate No. VI, Madurai.

2. The Inspector of Police
Avaniyapuram Police Station Madurai
District

3. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai

+1CC to M/s.Saliyakhan , Advocate, SR.No. 38669



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CRL.RC.(MD).No.55 of 2019

ORDER DATED : 14/08/2023

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ORDER

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CRL MP(MD). No.11093 of 2023

in

CRL.RC.(MD).No.55 of 2019

Giving direction and etc.

as stated within.

KB(05.10.2023) 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.