



Crl.R.C(MD).No.711 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.711 of 2023

Nallammal

... Petitioner

Vs.

State rep. By its
Inspector of Police,
Manikandam Police Station,
Tiruchirappalli.
(Crime No.5 of 2023)

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records relating in Crl.M.P.No.16211 of 2023, dated 25.05.2023 on the file of the learned Judicial Magistrate Court No.IV, Tiruchirappalli and to set aside the order as far the condition imposed in Condition No.2 and allow the revision.

For Petitioner : Mr.A. Mohamed Hashim

For respondent : Mr. P. Kottaichamy

Government Advocate (Crl.

Side)



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ORDER

This Criminal Revision Case has been filed to call for the records relating to Crl.M.P.No.16211 of 2023, dated 25.05.2023 on the file of the learned Judicial Magistrate Court No.IV, Tiruchirappalli and to set aside the order as far the condition imposed in Condition No.2 and allow the revision.

2. The petitioner is the de facto complainant in Crime No.5 of 2023 on the file of the respondent police. The defacto complainant's jewel was looted by the accused in Crime No.58 of 2023. The Investigating Agency after arresting the accused, recovered the jewels and produced before the Judicial Magistrate No.IV, Thiruchirappalli. After recovery, the petitioner filed a petition seeking interim custody of the jewels in filing Crl.M.P.No.16211 of 2023 on the file of the Judicial Magistrate No.IV, Tiruchirappalli. In the said Crl.M.P the learned Judicial Magistrate passed the following order:



12. In the result,

1.	<i>The petition in Crl.M.P.No.16211 / 2023 allowed and</i>
2.	<i>The petitioner should execute an own bond of sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) along with two sureties for like sum and one of the surety must be close relative of the petitioner.</i>
3.	<i>The petitioner is directed to take photographs of his jewellery of Gold Neck Chain (Leaf type, 10 grams) and shall produce it before the Court.</i>
4.	<i>A Panchanama for the jewelry be prepared and the same be recorded.</i>
5.	<i>The petitioner shall not alter and alienate the property in any manner till the disposal of the same.</i>

3. The petitioner challenging the 2nd condition [“the petitioner should execute an own bond of sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) along with two sureties for like sum and one of the surety must be close relative of the petitioner”] filed this revision.

4. The learned counsel appearing for the petitioner submitted that the second condition is onerous and the petitioner's jewel is looted by the accused in this case and hence, the learned trial Judge erred in imposing the said condition.



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5. This Court considered the submission made by the counsel appearing on either side and perused the records.

6. It is admitted case that the accused in Crime No.58 of 2023 committed theft of the petitioner's jewels on 06.04.2023. In the said circumstances, the ownership of the jewel is not disputed. So this Court is inclined to accept the prayer of the petitioner deleting the condition No.2 imposed in Crl.M.P.No.16211 of 2023, dated 25.05.2023 on the file of the learned Judicial Magistrate Court No.IV, Tiruchirappalli and accordingly, this Criminal Revision Case is allowed. It is made clear that the petitioner should adhere the remaining condition in the order passed by the learned Magistrate.

12.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp



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To

1. The Judicial Magistrate Court No.IV, Tiruchirappalli

2. Inspector of Police,
Manikandam Police Station,
Tiruchirappalli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in
Crl.R.C(MD).No.711 of 2023

Dated : 12.07.2023