



CRL MP(MD). No.10530 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Appellate Jurisdiction

Wednesday, the Second day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD). No.10530 of 2023

IN

CRL RC(MD). No.291 of 2023

Ramesh Mani

... Petitioner/Petitioner/
Petitioner/ Accused

Vs

The Sub Inspector of Police
Thiruvattar Police Station ,
Kanniyakumari District.

... Respondent/Respondent/
Respondent/ Complainant

Prayer in CRL MP(MD). 10530/ 2023 :-

This Criminal Miscellaneous Petition is filed under section 482 of CrPC to modify the condition imposed by this Honble Court in Crl.R.C.(MD).No.291 of 2023 dated 14.03.2023 that the petitioner shall furnish the bank guarantee for Rs.2,97,550

<https://www.mhc.tn.gov.in/judis>



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and instead permit the petitioner to produce property solvency certificate..

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Prayer in CRL RC(MD). 291/ 2023 :

This Criminal Revisions petition filed under section 397 & 401 of CrPC. to call for the records relating to the order in Crl.MP.No.1700/2023 passed by the Judicial Magistrate No.II, Padmanabapuram dt.28/2/2023 and set aside the same.

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 Ms. K.P. Narayanakumar, Advocate for the Petitioner and of Ms. M.Muthu manikkam, Government Advocate for the respondent(s), this Court made the following order:

The above application has been filed seeking orders to modify the conditions imposed by this Court in Crl.R.C.(MD)No.291 of 2023 dated 14.03.2023.

2. The petitioner, who is an accused in the case registered in Crime No.5 of 2023 for the offences under Sections 273 and 328 IPC, Section 24(1) of Cigarette and Other Tobacco Products Acts 2003 and Section 77 of the Juvenile Justice (Care and



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Protection of Children) Act, 2015, has filed the revision challenging the order passed in CrI.M.P.No.1700 of 2023 dated 28.02.2023 by the learned Judicial Magistrate No.II, Padmanabapuram, dismissing the petition. This Court, while setting aside the order passed by the learned Judicial Magistrate, directed the petitioner to furnish the bank guarantee for Rs.2,97,550/- and on such production, the learned Judicial Magistrate was directed to return the cash seized from the petitioner.

3. The learned counsel appearing for the petitioner would submit that though the petitioner has taken several efforts, he was not in a position to furnish the bank guarantee for Rs.2,97,550/- and that the petitioner is facing some health issues and he is in need of money for his hospital expenses.

4. The learned counsel appearing for the petitioner would further submit that the petitioner undertakes to produce properties solvency certificate.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the respondent, after completing the investigation, has filed the final report and the case was taken on file in P.R.C.No.18 of 2023 and the same is pending on the file of the Judicial Magistrate No.II, Padmanabapuram.



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6. Considering the reasons assigned and also taking note of the submissions made on either sides, this Court is inclined to modify the condition to the effect that the petitioner is directed to produce solvency certificate along original title deeds of immovable properties worth about Rs.2,97,550/- (Rupees Two Lakhs Ninety Seven Thousand Five Hundred and Fifty only) and on such production, the learned Judicial Magistrate is directed to return the cash seized from the petitioner.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

CSM

TO:

1. THE JUDICIAL MGISTRATE.NO. II, PADMANAPAPURAM.
- 2.THE SUB INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION , KANNYAKUMARI DISTRICT.

COPY TO:

THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-11678[I] dated 02/08/2023

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ORDER DATED : 02/08/2023

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ORDER

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IN

CRL RC(MD) NO.291 OF 2023

Giving direction and etc.
as stated within.

RD(29/08/2023) 5P / 5C

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