



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Thursday, the Twelfth day of October Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD). No.12639 of 2023
in
Crl.RC(MD) No.388 of 2020

T.Suresh Sundar Singh

... Petitioner/ Accused

Vs

The Inspector of Police
Nesamoni Nagar Police Station,
Kanyakumari District.
(In Crime No.6 of 2020)

... Respondent/ Complainant

Prayer in CRL MP(MD). No.12639 of 2023 :-

This Criminal Miscellaneous petition is filed under section 439 (1)(b) r/w 482 of C.P.C., to Modify the condition No(ii) to produce a bond of Rs.5,00,000/- with two sureties and deposit the sum of Rs.1,00,000/- in Crime NO.6 of 2020 on the file of the Learned Principal District and Sessions Court, Nagercoil imposed upon the petitioner in Crl.RC(MD) NO.388 OF 2020 Dated 14.07.2020.

Prayer in Crl.RC(MD) No.388 of 2020:-

This Criminal Revision petition is filed u/s 397 r/w 401 of Cr.P.C., against the order passed in Crl.MP NO.822 OF 2020 dated 24.02.2020 on the file of the District and Sessions Court, Nagercoil.

ORDER:-

This 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.G.Aravinthan, Advocate for the Petitioner and of Mr.M.Muthumanikkam, Govt. Advocate (Crl.Side, for the respondent, this Court made the following order:



This Criminal Miscellaneous Petition has been filed to modify the condition No.(ii) to execute a bond of Rs.5,00,000/- with two sureties and deposit a sum of Rs.1,00,000/- in connection with Crime No.6 of 2020, on the file of the learned Principal District and Sessions Judge, Nagercoil imposed upon the petitioner in the order passed in CrI.R.C.(MD).No.388 of 2020, dated 14.07.2020.

2. This Court, while allowing CrI.R.C.(MD).No.388 of 2020, by order dated 14.07.2020, has imposed the following conditions:

The petitioner shall deposit the original Registration Certificate of the vehicle before the Principal Sessions Court, Nagercoil.

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.6 of 2020 on the file of the Principal Sessions Court, Nagercoil, within a period of four weeks from the date of receipt of a copy of this order along with a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for a like sum.

(iii) The petitioner shall not alienate and shall not make any alterations in the vehicle.

(iv) The petitioner shall produce the vehicle before the Court and before the respondent as and when required, subject to the final order to



be passed in the confiscation proceedings.

Challenging the second condition imposed on the petitioner he has filed this Criminal Miscellaneous Petition.

3. The learned counsel for the petitioner submitted that due to some financial crises, the petitioner herein is unable to comply with the conditions as directed by this Court and he is not having any other source of income. Hence, the petitioner could not mobilize the said amount. Therefore, he seeks for modification.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that this Court, upon considering all the evidence on records, has rightly imposed the conditions on the petitioner. Hence, strongly opposed to allow this petition.

5. This Court considered arguments of the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Since confiscation proceeding has not been initiated in this case, the order of this Court to release the vehicle on condition is in accordance with law.



7. According to the petitioner, he has no source to comply with the second condition imposed on him. Hence, the condition imposed on the petitioner to deposit a sum of Rs.5,00,000/- is onerous. Further, he is ready to deposit a sum of Rs.25,000/- and he undertakes to execute bond to the value of Rs.2,00,000/-. Therefore, the submission of the learned counsel for the petitioner is *bona fide* one and deserves to be accepted.

8. Accordingly this criminal revision case is partly allowed with the following directions:

(i) Condition No.2, imposed on the petitioner is modified and the petitioner shall execute a bond for a sum of Rs.2,00,000/-(Rupees Two Lakhs Only), within a period of two weeks from the date of receipt of a copy of this order to the satisfaction of the Principal Sessions Court, Nagercoil.

(ii) The petitioner shall deposit a sum of Rs.25,000/-, to the credit of the Crime No.6 of 2020, within a period of two weeks from the date of receipt of a copy of this order, and on such deposit, the Court below shall redeposit the same in any one of the nationalized bank in the interest bearing account.

(iv) The remaining conditions imposed by this Court dated 14.07.2020 in CrI.R.C.(MD).No.388 of 2020, shall remain unaltered.

(v) The petitioner shall deposit a sum of Rs.5,000/-(non-refundable) within a period of two weeks from the date of receipt of a copy of this order, to the account to



be opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, in the Indian Bank, High Court Branch, Madurai, as indicated in the Hon'ble Division Bench in W.P.(MD).No.23683 of 2023, otherwise, this petition stands dismissed.

(vi) The investigating officer, is directed to initiate the confiscation proceedings before the learned Principal Sessions Judge, Nagercoil, Kanyakumari District, within a period of thirty days from the date of receipt of a copy of this order.

(vii) The learned Principal and Sessions Judge upon receiving such application, shall number the petition as a criminal miscellaneous petition and dispose the same as expeditiously as possible, preferably within a period of six months from the date of the presentation of the petition.

Sd/-

Assistant Registrar(C.O)

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/02/2024

Sub Assistant Registrar
(CS - I/ II / III / IV)

TO

1.The Principal Sessions Judge,
Nagercoil.

2.The Inspector of Police,
Nesamoni Nagar Police Station,
Kanyakumari District.



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

Copy To

1. The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

2. The Branch Manager,
Indian Bank, High Court Branch, Madurai.

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

+1 CC to M/s.G.ARAVINDHAN, Advocate(SR-15261, dated 16/10 /2023)

ORDER DATED : 12/10/2023

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ORDER

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CRL MP(MD). No.12639 of 2023
in
Crl.RC(MD) No.388 of 2020
Giving direction and etc.
as stated within.

SSA (22.02.2024) 6P/ 8C

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