



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.R.C(MD)No.1022 of 2023

Mahipal Singh

... Petitioner/Petitioner

Vs.

The State represented by its
The Inspector of Police,
Samayapuram Police Station,
Trichy.

Crime No.154 of 2023

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.19368 of 2023 on the file of the learned Judicial Magistrate No.III, Tiruchirapalli, dated 27.06.2023, and modify the condition No.1 by allowing the Criminal Revision Petition.

For Petitioner : Mr.A.John Vindcent

For Respondent : Mr.M.Muthumanikkam
Government Advocate (CrI.Side)

**ORDER**

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This petition has been filed to quash the order passed in Cr.M.P.No.19368 of 2023 order dated 27.06.2023, on the file of the learned Judicial Magistrate No.III, Tiruchirapalli, insofar as the first condition is concerned.

2.The petitioner claims to be the owner of the Hyundai Creta vehicle bearing Reg.No.GJ-18-BE-7588. On 30.04.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying 500 kg of banned tobacco products and registered a case in Crime No.154 of 2023 for the offences under Sections 279 & 328 and Section 6 r/w 24(1) of Cigarette and other Tobacco Products Acts, 2003, and Section 77 of the Juvenile Justice Act, 2015, and thereafter, the vehicle is in the custody of the respondent police. Subsequently, the petitioner approached the learned Judicial Magistrate No.III, Tiruchirapalli, by filing a petition for release of the vehicle and the learned Judge allowed the petition filed by the petitioner in Cr.M.P.No.19368 of 2023, dated 27.06.2023, by imposing the 1st condition that the petitioner shall execute an own bond for a sum of Rs.10,00,000/- along with two sureties each for a like sum to the



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satisfaction of the Court. Challenging the above said 1st condition imposed by the trial Court, the petitioner is before this Court with this Criminal Revision.

3.The learned counsel for the petitioner submitted that the petitioner is hailing from the State of Rajasthan and he has no relatives in the State of Tamilnadu. Hence, he is unable to arrange sureties in the State of Tamilnadu. He further submitted that when the value of the vehicle is only Rs.6,00,000/-, the order of the learned trial Judge to execute an own bond for a sum of Rs.10,00,000/-, is onerous and arbitrary. Further, he undertakes to deposit a sum of Rs.1,50,000/- and also furnish the undertaking affidavit to appear before the Court at the time of trial. Hence, he seeks to modify the condition insofar as the first condition is concerned.

4.The learned Government Advocate (Crl.Side) on instruction, submitted that the petitioner along with other accused said to have transported huge quantity i.e., 500 kg of banned tobacco products which is worth about Rs.5,00,000/- by using the said vehicle. Hence, the conditions imposed by the learned trial Judge is in accordance with law



and it does not warrant no interference. Hence, he seeks for dismissal of this petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the fact that the value of the vehicle is only Rs.6,00,000/- and he has no relatives in the State of Tamilnadu and also the undertaking of the petitioner to deposit a sum of Rs.1,50,000/- to the credit of crime number and to furnish the undertaking affidavit to appear before the Court at the time of trial, the order of the learned Judicial Magistrate No.III, Tiruchirapalli, made in CrI.MP.No.19368 of 2023, dated 27.06.2023, is hereby modified in respect of the 1st condition alone and it is modified to the extent that the petitioner shall deposit a sum of **Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand) to the credit of Crime No.154 of 2023.** In respect of other conditions, the order of the learned Judicial Magistrate No.III, Tiruchirapalli, shall remain unaltered. The petitioner is directed to comply the conditional order strictly.



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7.The learned Judicial Magistrate No.III, Tiruchirapalli, is directed to redeposit the said amount in any one of the Nationalised Bank in interest bearing account.

8.In the result, the Criminal Revision Case is allowed.

15.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss

To

- 1.The learned Judicial Magistrate No.III,
Tiruchirapalli.
- 2.The Inspector of Police,
Samayapuram Police Station,
Trichy.
- 3.The Sections Officer,
Records Section (Criminal)
Madurai Bench of Madras High Court, Madurai
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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6

K.K.RAMAKRISHNAN, J.

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