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Crl.R.C.(MD) No.1142 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.04.2023

CORAM

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.R.C.(MD)No.1142 of 2022

Venkatesh

.. Petitioner

Vs.

State through the Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.3 of 2022.

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records of the learned Judicial Magistrate Court No.II, Dindigul, in Crl.M.P.No.15572 of 2022 in RPR.No.107 of 2022, dated 12.10.2022 and set aside the condition and modify the condition No.1, imposed on the petitioner.

For Petitioner : Mr.V.Muthu Samundeeswaran,

For Respondent : Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

The Criminal Revision Case came to be filed seeking orders to modify the condition No.1 imposed in Cr.M.P.No.15572 of 2022, dated 12.10.2022 passed by the learned Judicial Magistrate No.II, Dindigul.



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2. The petitioner claims to be the owner of the vehicle/BMW Car bearing Reg.No.TN-02-BD-9000 (Engine No.0022Y002) (Chassis No.WBA5E57020D910152). The respondent police seized the above vehicle in connection with the case in Crime No.3 of 2022 for the offences under Sections 120(b) and 420 IPC.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.II, Dindigul, for returning of the said vehicle in Cr.M.P.No.15572 of 2022 and the learned Judicial Magistrate, vide order dated 12.10.2022, has allowed the petition with certain conditions that the petitioner shall execute a bond for a sum of Rs.25,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.II, Dindigul, and on compliance of the conditions, the above vehicle bearing Reg.No.TN-02-BD-9000 shall be returned to the petitioner on interim custody. Challenging the above said condition, the above Criminal Revision came to be filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.



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5. The learned counsel for the petitioner would submit that the petitioner's vehicle was never involved in any illegal activity and the respondent police without verifying the same has foisted the above false case. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle on rental basis.

6. The main grievance of the petitioner is that the condition imposed by the learned Judicial Magistrate No.II, Dindigul, in directing the petitioner to execute a bond for a sum of Rs.25,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. Considering the above facts and circumstances of the case and also the fact that the condition imposed by the learned Judicial Magistrate No.II, Dindigul, is onerous, this Court is inclined to modify the first condition alone.

8. In the result, this Criminal Revision Petition is allowed. The order of the learned Judicial Magistrate No.II, Dindigul, made in Crl.M.P.No.15572



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of 2022, dated 12.10.2022 is modified in respect of the condition No.(i) alone and it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.II, Dindigul and on compliance of the condition, the above vehicle bearing Reg.No.TN-02-BD-9000 (Engine No.0022Y002) (Chassis No.WBA5E57020D910152) shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Judicial Magistrate No.II, Dindigul, shall remain unaltered.

21.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

- 1.The Judicial Magistrate No.II, Dindigul.
- 2.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
Crl.R.C.(MD)No.1142 of 2022

21.04.2023