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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2024

Coram:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1813 of 2024

A.S.Nesanth

...Petitioner

Versus

State Rep. by its
Inspector of Police,
F1-Chindararipettai Police Station,
Chennai – 600 002.
(Crime No.236/2023)

...Respondent

This Criminal Revision Case is filed under Sections 397 & 401 of Cr.P.C & 438 r/w. 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to set aside the order made in Crl.M.P.No.23136 of 2024 in Crime No.236/2023 on the file of the Principal Session Judge at Chennai 27.08.2024 and modify the condition No.5 imposed in Crl.M.P.No.14308 of 2024 dated 25.03.2024 by the learned XIV Metropolitan Magistrate, Egmore, Chennai.



For Petitioner : Mr.M.Manikandhan
For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

This criminal revision has been filed by the petitioner praying to set aside the order dated 27.08.2024 passed in Crl.M.P.No.23136 of 2024 by the learned Principal Sessions Judge, Chennai and modify the condition No.5 imposed in the order dated 25.03.2024 passed in Crl.M.P.No.14308 of 2024 by the learned XIV Metropolitan Magistrate, Egmore, Chennai.

2. According to the petitioner, he is the owner of the property viz, Hyundai I10 Magna Car bearing Registration No.TN-10/AJ-8706. He was a accused in Crime No.236 of 2023 and he filed an application in Crl.M.P.No.14308 of 2024 before the XIV Metropolitan Magistrate Court, Egmore, Chennai, for return of his property. The learned Magistrate had allowed the said application and returned the property to petitioner/accused on condition that the petitioner/accused shall execute a bond for a sum of



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Rs.5,00,000/- with one surety for a like sum. Unable to comply with the said condition, the petitioner filed a petition in CrI.M.P.No.23136 of 2024 before the Sessions Court, Chennai seeking to modify the said condition. However, the learned Judge had dismissed the modification petition stating that the condition imposed by the trial Court is not onerous. Aggrieved over the dismissal of the petition for modification, the petitioner/accused has filed the instant Criminal Revision Case.

3. Heard the learned counsel for the petitioner/accused as well as the learned Government Advocate (CrI.Side) appearing for the respondent Police.

4. Admittedly, the present value of the seized car is about Rs.1,00,000/-. Hence, this Court is of the view that the condition imposed by the trial Court that the petitioner/accused shall execute a bond for Rs.5,00,000/- with a surety for a like sum is onerous. Therefore, this Court is inclined to allow this petition and modify the said condition.



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5. Accordingly, this Civil Revision Case is allowed and the condition No.5 imposed in the order dated 25.03.2024 passed in Crl.M.P.No.14308 of 2024 by the learned XIV Metropolitan Magistrate, Egmore, Chennai is modified to the effect that the petitioner/accused shall execute a bond for a sum of Rs.1,00,000/- with one surety for a like sum. It is made clear that all other conditions imposed by the trial Court in order dated 25.03.2024 shall remain unaltered.

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



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To

- 1.The Principal Sessions Court,
Chennai.
- 2.The XIV Metropolitan Magistrate Court,
Egmore, Chennai.
- 3.The Inspector of Police,
F1-Chindararipettai Police Station,
Chennai – 600 002.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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