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Crl.RC No.1809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1809 of 2024

Geethanjali

... Petitioner

Vs.

State represented by
The Inspector of Police,
E-2 Peelamedu Police Station,
Coimbatore.
(Cr.No.546 of 2023)

... Respondent

PRAYER: Criminal Revision Case filed under Sections 438 r/w 442 of the BNSS, to call for the records in Crl.MP.No.21858 of 2024 in Crime No.546 of 2023 on the file of the learned Judicial Magistrate No.II, Coimbatore and set aside the order dated 13.08.2024.

For Petitioner : Mr.K.Balasubramaniam
For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed challenging the order of the dismissal of the petition filed by the petitioner seeking relaxation of the condition imposed in para 6 (iii) of the order dated 30.05.2024 made in CMP No.13398 of 2024, in respect of the direction to produce two solvency surety to the like sum of Rs.8,00,000/-.



2. This petitioner is said to be involved in the offence under Sections 406, 420, 120 (b), 294(b) and 506 (ii) of IPC. It is alleged that the petitioner along with a few others had placed orders for purchase of threads from the defacto complainant and after receipt of goods had not paid the defacto complainant and hence committed the offences alleged.

3. (i) The learned counsel for the petitioner would submit that during investigation certain articles were seized and hence, the petitioner filed a petition under Section 451 Cr.P.C., seeking interim custody in CMP No.13398 of 2024. On 30.05.2024, the said petition was allowed and the vehicles and other articles seized were ordered to be returned on certain conditions. As the petitioner was unable to comply with the conditions, she preferred CMP No.21858 of 2024 seeking relaxation of the condition imposed in para 6 (iii) of the order dated 30.05.2024 made in CMP No.13398 of 2024 and the trial Court vide order dated 13.08.2024, dismissed the said petition and hence, the revision.

(ii) The learned counsel for the petitioner further submitted that the vehicles seized from the petitioner is kept in open space exposed to vagaries of weather; and further detention of vehicles would make the



vehicle unusable, and it would be reduced to a scrap,

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4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent and perused the materials available on record.

5. This Court is of the view that imposition of onerous condition for return of the property would amount to rejection of the prayer for return of property. The Hon'ble Supreme Court and this Court time and again had reiterated that reasonable conditions have to be imposed.

6. Therefore, in the facts and circumstances of the case, this Court is of the view that since the petitioner is directed not to alter or modify or sell the properties and is directed to handover the original RC Book, it would suffice if the petitioner is directed to execute a bond for Rs.1,00,000/- with two sureties.

7. (i) Accordingly, the condition imposed by the learned Magistrate at Para 6(iii) of the order dated 30.05.2024 made in CMP No.13398 of 2024 in Cr.No.546 of 2023, is modified as follows:

“The petitioner shall not alter or modify or sale the



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properties till the disposal of the case and produce the properties whenever this Court ordered to produce before this Court, to that effect the petitioner shall execute own bond for Rs.1,00,000/- alongwith two solvency surety to the like sum amount to the satisfaction of the learned Judicial Magistrate No.II, Coimbatore”;

(ii) The other conditions imposed by the trial Court in its order dated 30.05.2024 made in CMP No.13398 of 2024 in Cr.No.546 of 2023, shall continue to be in force.

7. In the result, this Criminal Revision Case stands allowed setting aside the impugned order, dated 13.08.2024 in Crl.M.P.No.21858 of 2024 in Cr.No.546 of 2023 passed by the learned Judicial Magistrate No.II, Coimbatore.

04.11.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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To

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- 1.The Judicial Magistrate No.II,
Coimbatore.
- 2.The Inspector of Police,
E-2 Peelamedu Police Station,
Coimbatore.
- 3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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