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Crl.R.C.No.2005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2005 of 2024

Sagadevan

... Petitioner

Vs.

State represented by:-
The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai District.
(Crime No.133 of 2024).

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to set-aside the conditional order dated 22.07.2024 made in Crl.M.P.No.23927 of 2024 on the file of the learned V Metropolitan Magistrate, Egmore and consequently modify the conditions Nos.1 & 2 that “the petitioner is directed to execute a bond for Rs.75,000/- with two sureties and to produce Original R.C Book before the Court” and to allow the above Criminal Revision Petition.

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.V.J.Priyadarsana,
Government Advocate (Crl. Side)

ORDER



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This Criminal Revision Case has been filed challenging the conditions imposed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.23927 of 2024 on 22.07.2024 while handing over the interim custody of the petitioner's two wheeler viz., Hero Splendor Plus bearing Reg.No.TN-61-M-9657.

2.The learned counsel for the petitioner would submit that the learned Magistrate had imposed onerous conditions and hence the petitioner is unable to comply with those conditions; that the vehicle is still kept idle subject to the vagaries of weather; and that the value of the vehicle is only Rs.40,000/-. The learned counsel also would submit that since the Registration Certificate has been pledged with Shriram Finance Limited, the petitioner unable to produce the original Registration Certificate book.

3.The learned Government Advocate (Crl. Side) on instructions would submit that the value of the vehicle would be around Rs.75,000/-; and there is no infirmity in the order passed by the Court below.

4.The Court below while granting interim custody of the petitioner's two wheeler, had imposed the following condition Nos.1 & 2 of which the



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petitioner is aggrieved:

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“(i)The petitioner shall execute a bond for a sum of Rs.75,000/- with two sureties each for like sum and the sureties shall be a owner of movable or immovable property worth more than Rs.75,000/- and they shall furnish necessary documents.

(ii)The petitioner shall produce original R.C Book before this Court.”

5.Considering the value of the vehicle, this Court is inclined to modify the above condition Nos.1 & 2 imposed by the Court below. Accordingly, the condition Nos.1 & 2 imposed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.23927 of 2024 on 22.07.2024, are modified as follows:

(i)The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with one surety for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai.

(ii)The petitioner shall produce the original Registration Certificate of the two wheeler viz., Hero Splendor Plus bearing Reg.No.TN-61-M-9657



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along with self attested photostat copy of RC Book of the vehicle and other relevant records to prove her ownership. The learned Magistrate shall peruse the RC book and other records, retain xerox copy of the same and return the original RC book to the petitioner.

6.The other conditions imposed by the learned Magistrate shall remain unaltered.

7.With the above modification, this Criminal Revision Case stands disposed of.

20.11.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No

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To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai District.



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3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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