



Criminal Original Petition No.1651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1651 of 2024

Shanmuga Sundaram
represented by his Power of Attorney,
Gnanajothi
W/o.Rangasamy

... Petitioner

Vs.

The Sub Inspector of Police,
Karuveppilankurichi Police Station,
Virudhachalam Taluk,
Cuddalore District.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the Judicial Magistrate II, Virudhachalam, to release the vehicle upon accepting the bond and surety executed by the Power of Attorney holder/de facto complainant in CMP No.3420 of 2023 vide order dated 19.01.2023 on the file of Judicial Magistrate II, Virudhachalam, Cuddalore District.

For Petitioner : Mr.Kadhiresan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



WEB COPY



Criminal Original Petition No.1651 of 2024

ORDER

This petition has been filed for a direction to learned Judicial Magistrate II, Virudhachalam, to accept the bond and surety executed through the Power of Attorney holder in CMP No.3420 of 2023.

2. The petitioner filed an application u/s.451 Cr.P.C. seeking for return of vehicle which was seized in the course of investigation in Crime No.517 of 2022. The learned Judicial Magistrate II, Virudhachalam, by order dated 19.01.2023 allowed the application by imposing certain conditions. One such condition that was imposed by the Court below was that the petitioner must execute a bond for a sum of Rs.14,00,000/- with one surety for a like sum. The petitioner was not in a position to appear in person and therefore, he executed a Power of Attorney in favour of one Gnanajothi.

3. The grievance of the petitioner is that the Court below did not entertain the bond and surety that was executed through the Power of Attorney agent. Aggrieved by the same, the present petition has been filed before this Court.



Criminal Original Petition No.1651 of 2024

WEB COPY

4. Heard Mr.Kadhiresan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

5. In the considered view of this Court, there is no requirement for a Power of Attorney agent to be present before the Court to submit a bond and surety. The petitioner can engage a counsel, who can submit the bond executed by the petitioner before the Court along with a memo seeking to dispense with the appearance of the petitioner. That memo can be entertained by the Court and the bond can be received. Simultaneously, the bond executed by the surety can also be accepted by the Court below. This direction will sufficiently take care of the grievance expressed by the petitioner.

This Criminal Original Petition is disposed of in the above terms.

31.01.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm



WEB COPY



Criminal Original Petition No.1651 of 2024

N.ANAND VENKATESH, J.

gm

To

- 1.The Judicial Magistrate II,
Virudhachalam.
- 2.The Sub Inspector of Police,
Karuveppilankurichi Police Station,
Virudhachalam Taluk,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.

Criminal Original Petition No.1651 of 2024

31.01.2024