



Crl.R.C.(MD)No.728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.728 of 2024

Rajendra Prasad

... Petitioner

Vs.

State through
The Sub Inspector of Police,
Vadaseri Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.136 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Sections 438 and 442 BNSS, 2023, to call for the records pertaining to the order passed in Cr.M.P.No.3878 of 2024 in R.P.No.249 of 2024 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District in Crime No. 136 of 2024 on the file of the respondent police dated 10.07.2024 and set aside the same as far as condition Number (ii) of the order is concerned.

For Petitioner : Mr.B.N.Raja Mohamed

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

The Criminal Revision Petition has been filed seeking orders to set aside the condition No.ii imposed in Cr.M.P.No.3878 of 2024 in R.P.No. 249 of 2024 dated 10.07.2024 directing the petitioner to deposit a sum of Rs.50,000/- as Non Refundable deposit into the Court.

2. It is seen from the records that the petitioner is the third accused in the case registered in Crime No.136 of 2024 for the offences under Sections 294(b), 323, 324 and 506(2) IPC and the petitioner's vehicle bearing Registration No.TN-74-F-8636 was also seized by the respondent police and the vehicle was produced before the concerned Court and the same was remanded to judicial custody and that the petitioner has then filed a petition before the learned Judicial Magistrate No.2, Nagercoil seeking for return of property and the same was allowed vide order dated 10.07.2024 by imposing some conditions, which includes that the petitioner shall deposit Rs.50,000/- as Non Refundable deposit into the Court. Challenging the said condition, the present revision came to be filed.



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3. The learned counsel appearing for the petitioner would submit that the petitioner has complied with all the conditions except the condition No.ii as it is found to be too onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

4. This Court is at loss to understand for what purpose the learned Magistrate has directed the petitioner to deposit Rs.50,000/- as non refundable deposit and that too before the concerned Court. A perusal of the impugned order discloses that the said condition is an onerous condition and as such, the same is liable to be set aside.

5. In the result, the Criminal Revision Petition is allowed. The order of the learned Judicial Magistrate No.II, Nagercoil, made in Cr.M.P.No.3878 of 2024, dated 10.07.2024 is set aside in respect of the condition No.ii alone. In respect of other conditions, the order of the learned Judicial Magistrate No.II, Nagercoil, shall remain unaltered.

06.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

csn

To

- 1.The Judicial Magistrate No.II,
Nagercoil, Kanyakumari District.
- 2.The Sub Inspector of Police,
Vadaseri Police Station,
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.728 of 2024

Dated: 06.08.2024