



WEB COPY



Crl.R.C.(MD) No.799 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.799 of 2024

Yovel

: Petitioner

Vs.

State rep.by the Inspector of Police,
Thirupparankundram Police Station,
Madurai City.
Crime No.311 of 2024.

: Respondent

Prayer : This Criminal Revision has been filed under Section 438 r/w 442 of B.N.S.S., to set aside the impugned condition No.(i) made in Cr.M.P.No.2292 of 2024, dated 05.07.2024 on the file of the learned Judicial Magistrate No.VI, Madurai and consequently, direct the respondent to return the petitioner's vehicle, namely JCB Poclain vehicle bearing registration No.TN-58-BH-6539 to the petitioner forthwith.

For Petitioner : Mr.S.Poornachandran,
for Mr.S.Vijayakumar.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



CrI.R.C.(MD) No.799 of 2024

ORDER

WEB COPY

This Criminal Revision Petition is directed against order passed in Cr.M.P.No.2292 of 2024, dated 05.07.2024 on the file of the learned Judicial Magistrate No.VI, Madurai and set aside and modify the first condition.

2. The petitioner claims to be the owner of the vehicle JCB Poclain bearing registration No.TN-58-BH-6539. On 19.06.2024, the respondent police intercepted the vehicle viz., JCB Poclain bearing registration No.TN-58-BH-6539 and seized the vehicle in connection with the case in Crime No.311 of 2024 for the offences under Section 380, 506(i) IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.VI, Madurai, for returning of the said vehicle in Cr.M.P.No.2292 of 2024 and the learned Judicial Magistrate, vide order dated 05.07.2024, has allowed the petition with certain conditions that the petitioner shall execute a bond for Rs.25,00,000/- for himself with two solvent sureties for like sum and on compliance of the conditions, the above vehicle bearing registration No.TN-58-BH-6539 shall be returned to the petitioner on interim



Crl.R.C.(MD) No.799 of 2024

custody. Challenging the above said condition, the above Criminal Revision came to be filed before this Court.

4. The learned counsel appearing for the petitioner would submit that the petitioner's vehicle is an old vehicle and the value of the vehicle is very low and the first condition to execute a bond for Rs.25,00,000/- is onerous. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the value of the vehicle is around Rs.10 lakhs.

6. The main grievance of the petitioner is that the conditions imposed by the learned Judicial Magistrate in directing the petitioner to execute a bond for Rs.25,00,000/- for himself with two solvent sureties for like sum, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. Considering the above facts and circumstances of the case and also taking note of the submission made by the learned counsel appearing for the



CrI.R.C.(MD) No.799 of 2024

petitioner that the condition No.(i) imposed by the learned Judicial Magistrate No.VI, Madurai, is onerous, this Court is inclined to modify the condition.

8. In the result, this Criminal Revision Petition is partly allowed. The order of the learned Judicial Magistrate NO.VI, Madurai, made in Cr.M.P. No.2292 of 2024, dated 05.07.2024 is modified in respect of the condition No.(i) alone and it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.10,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.VI, Madurai, and on compliance of the condition, the above JCB Poclain vehicle bearing registration No.TN-58-BH-6539 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Judicial Magistrate No.VI, Madurai, shall remain unaltered.

23.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



Crl.R.C.(MD) No.799 of 2024

WEB COPY

To:-

- 1.The Judicial Magistrate No.VI, Madurai.
- 2.The Inspector of Police,
Thirupparankundram Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.R.C.(MD) No.799 of 2024

K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.799 of 2024

23.08.2024