



Crl.R.C.(MD)No.1178 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1178 of 2024

R.Anand

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
(Crime No.139 of 2023)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records and modify the condition No.1 in the order passed by the learned Judicial Magistrate, Radhapuram, Tirunelveli in Cr.M.P.No.3786 of 2023 dated 17.05.2023.

For Petitioner : Mr.A.S.Vaigunth

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)



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ORDER

The present Criminal Revision Case has been filed to modify the condition No.1 of the order, dated 17.05.2023, in Cr.M.P.No.3786 of 2023 passed by the District Munsif cum Judicial Magistrate, Radhapuram.

2. The petitioner is the owner of the vehicle Bolero Car bearing registration No.TN-74-AW-1875, and has filed a petition in Cr.M.P. No.3786 of 2023 before the learned District Munsif cum Judicial Magistrate, Radhapuram seeking interim custody of the vehicle. The learned District Munsif cum Judicial Magistrate, after hearing both the sides, allowed the petition and granted the interim custody of the vehicle to the petitioner on the following conditions :

“1. The petitioner shall execute a own bond for a sum of Rs.8,00,000/- with one surety.

2. Original R.C.book to be produced before this Court.

3. The articles to be photographed and mahazar to be prepared and acknowledged by the petitioner.

4. The property shall not be modified or altered in any manner unless or until an order received from this Court.



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5. The petitioner should produce the property as when directed by this Court.”

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle Bolero Car bearing registration No.TN-74-AW-1875. The value of the said vehicle is only a sum of Rs.5,00,000/-, and the petitioner is not in a position to execute the own bond for a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) with one surety as ordered by the learned District Munsif cum Judicial Magistrate, Radhapuram in condition No.1 of the order, dated 17.05.2023, in Cr.M.P.No.3786 of 2023. Hence, he prays this Court to reduce the bond amount to a sum of Rs.2,00,000/- (Rupees Two Lakhs only).

4. The learned Government Advocate (Criminal Side) appearing for the respondent has not raised any serious objection to the submission made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case, and also considering the submissions made by both the sides, this Court is inclined to modify the condition No.1 of the order passed by the learned



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District Munsif cum Judicial Magistrate, Radhapuram in Cr.M.P.

No.3786 of 2023 dated 17.05.2023.

6. Accordingly, this Criminal Revision Case is allowed, and the condition No.1 imposed by the trial Court is hereby modified as follows :

*“1. The petitioner shall execute a own
bond for a sum of Rs.2,00,000/- (Rupees
Two Lakhs only) with one surety.”*

7. All other conditions imposed by the trial Court shall remain unaltered.

20.11.2024

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No



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P.VADAMALAI, J.

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To

- 1.The District Munsif cum Judicial Magistrate,
Radhapuram
- 2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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