



Crl.R.C.(MD)No.1210 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1210 of 2024

Prabhu

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District
(Crime No.193 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records and modify the condition No.1 imposed by the District Munsif cum Judicial Magistrate Court, Bhoothapandy, Kanyakumari District in Crl.M.P.No.2169 of 2024 dated 30.07.2024.

For Petitioner : Mr.S.Krishna Kumar

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

The present Criminal Revision Case has been filed to modify the condition No.1 of the order, dated 30.07.2024, in Crl.M.P.No.2169 of 2024 passed by the learned District Munsif cum Judicial Magistrate, Bhoothapandy.

2. The petitioner is the owner of the vehicle Taurus Truck bearing registration No.TN-65-AM-5631, and has filed a petition in Crl.M.P. No.2169 of 2024 before the learned District Munsif cum Judicial Magistrate, Bhoothapandy 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 bond for Rs.20,00,000/- (Rupees Twenty Lakhs only) along with two solvent sureties each like sum.

2. The Petitioner shall submit his original R.C.Book before this Court along with copy of Aadhar card.

3. The Petitioner shall file undertaking affidavit undertaking that he will not use the vehicles in question for any illegal activities in future.



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4. The Petitioner shall take photograph of the vehicles fully and submit the same along with CD duly certified under section 65B of the Indian Evidence Act, 1972.

5. The Petitioner shall sign in the panchanama in Judicial Form 82.

6. The Petitioner shall not modify or alienate or encumber the vehicle.

7. The Petitioner shall not sale the vehicle till the disposal of the case.

8. The Petitioner shall produce the vehicle immediately before this court if the court directs to produce the vehicle and the vehicle shall be produced if the confiscation proceedings is initiated before this court.”

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle Taurus Truck bearing registration No.TN-65-AM-5631. The petitioner is an impecunious person, and is not in a position to execute the bond for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) with two solvent sureties as ordered by the learned District Munsif cum Judicial Magistrate, Bhoothapandy in condition No.1 of the order, dated 30.07.2024, in Crl.M.P.No.2169 of 2024. Hence, he prays this Court to reduce the bond amount to a sum of Rs.6,00,000/- (Rupees Six Lakhs only).



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4. The learned Additional Public Prosecutor 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 District Munsif cum Judicial Magistrate, Bhoothapandy in Crl.M.P.No. 2169 of 2024 dated 30.07.2024.

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 bond for a sum of Rs.6,00,000/- (Rupees Six Lakhs only) with two sureties each for a like sum.”



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

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NCC : Yes / No

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P.VADAMALAI, J.

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To

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

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