



Crl.R.C.(MD)No.1164 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2024

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1164 of 2024

Manikandan

... Petitioner

Vs.

1.State rep.by
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District
(Crime No.109 of 2024)

2.Vigneshwaran

... Respondents

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records in pertaining to the order of the learned Judicial Magistrate No.I, Thoothukudi, dated 19.10.2024, in Crl.M.P. No.20743 of 2024 and modify the 1st condition and allow this revision.

For Petitioner : Mr.P.Banuprasath

For R1 : 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 19.10.2024, in Crl.M.P.No.20743 of 2024 passed by the learned Judicial Magistrate No.I, Thoothukudi.

2. The petitioner/accused is the temporary owner of the vehicle Ashok Leyland Box Body Tipper Lorry bearing registration No.TN-92-H-5662, and has filed a petition under Section 497 of BNSS before the learned Judicial Magistrate No.I, Thoothukudi in Crl.M.P.No.20743 of 2024 seeking interim custody of the vehicle. The learned Judicial Magistrate, after hearing both the sides, allowed the petition and granted the interim custody of the vehicle to the petitioner/accused on the following conditions :

“1. The Petitioner/Temporary Owner of the Property/Accused is granted interim custody of the same for a sum of Rs.9,75,000/- and with two sureties for a like sum.

2. The Petitioner/Temporary Owner of the Property/Accused shall not sell or change the nature of the Vehicle.

3. The Petitioner/Temporary Owner of the Property/Accused shall produce photographs of the Vehicle.



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4. The Petitioner/Temporary Owner of the Property/Accused shall file an affidavit stating that he will produce the Vehicle as and when required by this court.

5. The Petitioner/Temporary Owner of the Property/Accused shall produce original of the RC book with sale agreement.”

3. The learned counsel for the petitioner submitted that the petitioner/accused is the temporary owner of the vehicle Ashok Leyland Box Body Tipper Lorry bearing registration No.TN-92-H-5662, and the value of the said vehicle is around Rs.18,00,000/-. The petitioner is an impecunious person, and is not in a position to execute the bond for a sum of Rs.9,75,000/- (Rupees Nine Lakhs and Seventy Five Thousand only) as ordered by the learned Judicial Magistrate No.I, Thoothukudi in condition No.1 of the order, dated 19.10.2024, in Crl.M.P.No.20743 of 2024. Hence, he prays this Court to reduce the bond amount to a sum of Rs.3,00,000/- (Rupees Three 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.



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5. Considering the facts and circumstances of the case, and considering the submissions made by both the sides, and also considering the fact that the condition No.1 imposed by the trial Court is onerous, this Court is inclined to modify the condition No.1 of the order passed by the learned Judicial Magistrate No.I, Thoothukudi in Crl.M.P.No.20743 of 2024 dated 19.10.2024.

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/temporary owner of the vehicle/accused shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for a like sum.”

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

29.11.2024

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

Note : Issue order copy on **02.12.2024**.



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To
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- 1.The Judicial Magistrate No.I,
Thoothukudi
- 2.The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

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