



Crl.R.C.(MD)No.1306 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1306 of 2024

R.Amsapandi

... Petitioner

Vs.

State represented through,
The Inspector of Police,
Tirumangalam Taluk Police Station
(Crime No.144 of 2019)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order passed by the learned Judicial Magistrate, Tirumangalam in Cr.M.P.No.1620 of 2024 dated 03.10.2024 and modify the condition No.1 of the same.

For Petitioner : Mr.K.Manavalan

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

ORDER

The present Criminal Revision Case has been filed to modify the condition No.1 of the order, dated 03.10.2024, in Cr.M.P.No.1620 of 2024 passed by the learned Judicial Magistrate, Tirumangalam.



Crl.R.C.(MD)No.1306 of 2024

WEB COPY

2. The petitioner is the owner of the vehicle Tractor bearing registration No.TN-76-X-4250, and has filed a petition under Section 451 of Cr.P.C. before the learned Judicial Magistrate, Tirumangalam in Cr.M.P.No.1620 of 2024 seeking interim custody of the vehicle. The learned Judicial Magistrate, after hearing both the sides, allowed the petition and granted interim custody of the vehicle to the petitioner on the following conditions :

“1. The petitioner shall execute a bond for Rs.5,00,000/- with two sureties for a like sum each.

2. The petitioner shall take photograph of the property in all angles and produce the same with C.D.

3. The petitioner shall deposit the attested xerox copy of R.C. Book of the vehicle to this court.

4. The petitioner shall not alter the nature of the property.

5. The petitioner shall not sell or hypothecate the property.

6. The petitioner shall file an affidavit undertaking not to sell the property till the disposal of the case and not to use for the same purpose.

7. The petitioner shall produce the case property before this Court as and when ordered.

8. Property to be produced before this Court 1st working day of every month.”



Crl.R.C.(MD)No.1306 of 2024

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle Tractor bearing registration No.TN-76-X-4250. The model of the said vehicle is of the year 2007 and the market value of the said vehicle would only come to Rs.2,00,000/- (Rupees Two Lakhs only). Without considering both the model and cost of the vehicle, the learned Magistrate has imposed an onerous condition, which the petitioner is not in a position to adhere to. Hence, he prays this Court to reduce the bond amount from the sum of Rs.5,00,000/- (Rupees Five Lakhs only) to a sum of Rs.2,00,000/- (Rupees Two Lakhs only).

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 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



Crl.R.C.(MD)No.1306 of 2024

the learned Judicial Magistrate, Tirumangalam in Cr.M.P.No.1620 of 2024 dated 03.10.2024.

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 shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for a like sum each.”

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

09.12.2024

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



Crl.R.C.(MD)No.1306 of 2024

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To

- 1.The Judicial Magistrate,
Tirumangalam
- 2.The Inspector of Police,
Tirumangalam Taluk Police Station.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD)No.1306 of 2024

P.VADAMALAI, J.

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Crl.R.C.(MD)No.1306 of 2024

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