



Crl.R.C.(MD)No.9 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD)No.9 of 2024

Ajinraj

.. Petitioner

Vs.

State Rep. by

The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

Crime No.133 of 2023

... Respondent

PRAYER : Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to imposition of condition No.(i) of Rs.1,00,000/- in Cr.M.P.No.3673 of 2023 dated 12.07.2023 on the file of the Principal Sessions Court, Kanniyakumari at Nagercoil and set aside the same and allow this Criminal Revision Petition.



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For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor

ORDER

This Criminal Revision is filed to call for the records and to set aside the condition No.(i) imposed in Cr.M.P.No.3673 of 2023 dated 12.07.2023 on the file of the Principal Sessions Court, Kanniyakumari at Nagercoil.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Tempo, bearing Registration No.TN-74 P-4772 and the said vehicle with other two vehicles were seized by the respondent police and a case came to be registered in Crime No.133 of 2023 for the offence under Section 379 of IPC. The petitioner as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Crl.M.P.No.3673 of 2023, before the Principal Sessions Court, Kanniyakumari at Nagercoil, for return of vehicle and the same was allowed on 12.07.2023, with certain conditions.



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3. The learned Sessions Judge, Kanniyakumari, while granting the order of return of vehicle, imposed certain conditions upon the petitioner. One of the conditions is that “(i) *the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the Judicial Magistrate No.II, Padmanabhapuram.*”. Aggrieved over the same, the present Criminal Revision Case has been filed.

4. The learned counsel for the petitioner submitted that the petitioner's vehicle is not at all involved in the aforesaid commission of offence. He would further submit that due to financial crisis, the petitioner is unable to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the Judicial Magistrate No.II, Padmanabhapuram, and therefore, prayed to set aside the said condition.

5. Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the State.



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6. The main grievance of the petitioner is that the vehicle was manufactured in the year 2009 and the condition imposed by the learned Principal Sessions Judge, Kanniyakumari at Nagercoil, in directing the petitioner to deposit a sum of Rs.1,00,000/- (Rupees one Lakh only) before the learned Judicial Magistrate No.II, Padmanabhapuram, for return of the said vehicle is onerous.

7. Considering the above facts and circumstances of the case and also taking into account, the oldness of the vehicle, the order of the learned Principal Sessions Judge, Kanniyakumari at Nagercoil, made in Cr.M.P.No.3673 of 2023, dated 12.07.2023 is modified in respect of the condition No.(i) alone and accordingly, it is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.133 of 2023 on the file of Thiruvattar Police Station before the Judicial Magistrate Court No.II, Padmanabhapuram, as a non-refundable deposit, within a period of three weeks from the date of receipt of a copy of this order. The other conditions imposed by the Court below shall remain intact.



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8. In the result, the Criminal Revision Case is allowed.

05.01.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

Copy to

1.The Principal Sessions Court,
Kanniyakumari at Nagercoil.

2.The Judicial Magistrate Court No.II,
Padmanabhapuram.

To

1.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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VIVEK KUMAR SINGH, J.

RM

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