

Crl.O.P.(MD)No.3047 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :19.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.3047 of 2025

Naseeh @ K.Nasheedaga

... Petitioner

Vs

The State of Tamil Nadu,
Represented by the Inspector of Police,
Puliyarai Police Station,
Tenkasi District.
(Crime NO.41 of 2024)

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita , 2023, to call for the records relating to the impugned order passed in Crl.R.C.No.20 of 2024 on the file of the learned Principal Sessions Judge, Tenkasi dated 14.08.2024 and set aside and modify the 2nd condition with regard to directing the petitioner to deposit a sum of Rs.20 lakhs.

For Petitioner : Mr.S.Suresh Manickam

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



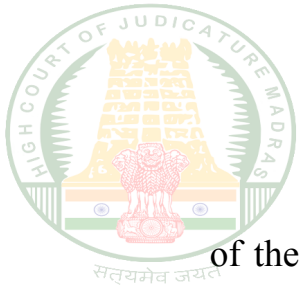
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ORDER

This Criminal Original Petition has been filed by the petitioner to relax the condition imposed by the learned Principal Sessions Judge, Tenkasi in CrI.R.C.No.20 of 2024 dated 14.08.2024.

2. The learned counsel appearing for the petitioner would submit that as per the prosecution case, on 25.02.2024 at about 10.45 p.m., while the respondent police engaging in vehicle check up in government bus bearing registration number TN-72-N-2070, the petitioner was in possession of 315 grams of gold bar and thereafter, it was seized by them and F.I.R also registered in Crime No.41 of 2024 under Section 102 of Cr.P.C. In fact, he purchased the above said gold bar from Gold Aonek Private Limited, Kadayanallur for Faaza Gold Jewellery Shop in Kerala. Thereafter, the property was remanded to the Judicial Magistrate, Shencottah in P.R.No.105 of 2024 and the above value of the property is around Rs.19 lakhs. While so, he filed a petition before the Trial Court in CrI.M.P.No.746 of 2024 under Section 451 of Cr.P.C and the same was dismissed on 12.04.2024. Aggrieved by the said order, he preferred Cr.R.P.No.20 of 2024 and the same was allowed on some conditions, one



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of the condition is to deposit an amount of Rs.20,00,000/- to the credit of Crime No.41 of 2024 before the learned Judicial Magistrate, Shencottah. The above said condition imposed by the Revisional Court is onerous condition and there is no rival claim by anybody as against the seized property and the petitioner is ready to offer sufficient sureties for the value of Rs.20 lakhs. Therefore, he filed this petition to modify the condition imposed by the Revisional Court in respect of deposit of Rs.20 lakhs.

3. The learned Government Advocate (Criminal) appearing for the respondent would contend that the petitioner travelled in a government bus with gold weighing 315 grams without any documents. While vehicle check up, they found the possession of the above said gold bar and thereafter, they have registered a case in Crime No. 41 of 2024 under Section 102 of Cr.P.C and they remanded the said property before the concerned Judicial Magistrate Court, Shencottah. Thereafter, the petitioner filed a petition for the return of property and the same was dismissed. Against the said order, the petitioner has filed a criminal revision petition before the Principal Sessions Court, Tenkasi and the



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Sessions Court allowed the petition and entrusted the interim custody of the gold bar to the petitioner on condition to deposit a sum of Rs.20 lakhs before the Judicial Magistrate Court, Shencottah in Crime No.41 of 2024. Therefore, the order passed by the Trial Court is in order and the petitioner without any document has carried the above said gold bar. Hence, the present petition is liable to be dismissed.

4. Heard both sides and perused the records.

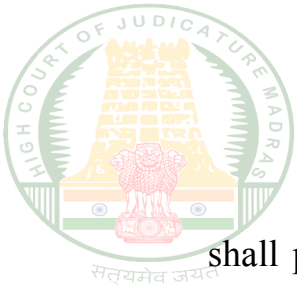
5. In this Case, there is no dispute that the petitioner carried the 315 grams of gold bar and the same was also seized by the respondent police and thereafter, the said property was remanded to judicial custody. The petitioner also filed a petition to return the property and the same was dismissed by the learned Judicial Magistrate, Shencottah by an order dated 12.04.2024. Thereafter, the petitioner preferred a revision as against the order dated 12.04.2024 and the Revision Court allowed the petition and interim custody of the gold bar was given to the petitioner on condition to deposit a sum of Rs.20 lakhs by an order dated 14.08.2024. The value of the property is about Rs.19 lakhs, therefore the



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Trial Court imposed the condition to deposit the above said amount Rs. 20 lakhs. It is also an admitted fact that there is no rival claim made by either parties and the property is also seized from the petitioner only. Therefore, the petitioner is entitled to return back the property for the interim custody.

6. The only grievance of the petitioner is that the condition imposed by the Principal Sessions Court to deposit a sum of Rs.20 lakhs is onerous. This Court also perused the records and the Trial Court has imposed the condition to deposit a sum of Rs.20 lakhs, which is the value of the property. In this case, the property was recovered from the petitioner, and the Revision Court also correctly allowed the petition and ordered for interim custody. The condition to deposit of money for the value of the property is onerous, however the petitioner has to produce the solvency sureties for the value of Rs.20 lakhs. The learned counsel for the petitioner also agreed to produce solvent sureties for the sum of Rs.20 lakhs. Therefore, this Court is inclined to modify the condition imposed by the Revision Court in para no.12 of the order passed in Crl.R.P.No.20 of 2024 dated 14.08.2024 to the effect that the petitioner



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shall produce two solvent sureties for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only). Accordingly ordered. The other conditions imposed by the Revision Court are remain intact.

7. With the above said modification, this Criminal Original Petition is allowed.

19.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

1. Inspector of Police,
Puliyarai Police Station,
Tenkasi District.

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



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P. DHANABAL, J.,

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