



CrI.R.C.(MD) No.158 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.158 of 2025

Sarath Raj

: Petitioner

Vs.

State rep.by the Sub-Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Crime No.76 of 2024.

: Respondent

Prayer : This Criminal Revision has been filed under Section 438 r/w 442 of B.N.S.S., to call for the records and modify the condition (1) imposed by the learned District Munsif cum Judicial Magistrate, Bhoothapandy, Kanyakumari District in CrI.M.P.No.2294 of 2024, dated 19.10.2024.

For Petitioner : Mr.S.Krishna Kumar,

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (CrI. Side)

ORDER

This Criminal Revision Petition is filed seeking orders to modify the condition (1) imposed by the learned District Munsif cum Judicial Magistrate,



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Bhoothapandy, Kanyakumari District in CrI.M.P.No.2294 of 2024, dated 19.10.2024.

2. The petitioner claims to be the owner of the vehicle Torres Lorry bearing registration No.KL-64-K-9735. On 22.02.2024, the respondent police intercepted the vehicle bearing registration No.KL-64-K-9735 (viz., 16 Wheel Torres Lorry) Chassis No.MAT808024N3D10848 and seized the vehicle in connection with the case in Crime No.76 of 2024 for the offences under Section 379 of IPC.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Bhoothapandy, for returning of the said vehicle in Cr.M.P.No.2294 of 2024 and the learned District Munsif cum Judicial Magistrate, Bhoothapandy, vide order dated 19.10.2024, has allowed the petition with certain conditions that the petitioner shall execute a own bond for Rs.20,00,000/- with two solvent sureties for like sum and on compliance of the conditions, the above vehicle bearing registration No.KL-64-K-9735 shall be returned to the petitioner on interim custody. Challenging the above said condition, the above Criminal Revision came to be filed before this Court.



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4. The learned counsel appearing for the petitioner would submit that the value of the vehicle is very low and the first condition to execute a bond for Rs.20,00,000/- is onerous. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the value of the vehicle is around Rs.30 lakhs.

6. The main grievance of the petitioner is that the conditions imposed by the learned Judicial Magistrate in directing the petitioner to execute a bond for Rs.20,00,000/- with two solvent sureties for like sum, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. Considering the above facts and circumstances of the case and also taking note of the submission made by the learned counsel appearing for the petitioner that the condition No.(1) imposed by the learned District Munsif cum Judicial Magistrate, Bhoothapandy, is onerous, this Court is inclined to modify the condition.



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8. In the result, this Criminal Revision Petition is allowed. The order of the learned District Munsif cum Judicial Magistrate, Bhoothapandy, made in Cr.M.P.No.2294 of 2024, dated 19.10.2024, is modified in respect of the condition No.(1) alone and it is modified to the effect that the petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** as non-refundable for the vehicle to the credit of the District Mineral Foundation Trust, Kanyakumari District and the petitioner shall execute a bond for a sum of **Rs.8,00,000/-** with two sureties for a like sum each to the satisfaction of the learned District Munsif cum Judicial Magistrate, Bhoothapandy, and on compliance of the condition, the above vehicle bearing registration No.KL-64-K-9735 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned District Munsif cum Judicial Magistrate, Bhoothapandy, shall remain unaltered.

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



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To:-

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



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
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