



CRL RC(MD)No.610 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.610 of 2025

Darlin Raj

... Petitioner / Petitioner

Vs.

State of Tamil Nadu,
Rep. by Sub Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
(Crime No.74 of 2025)

... Respondent / Respondent

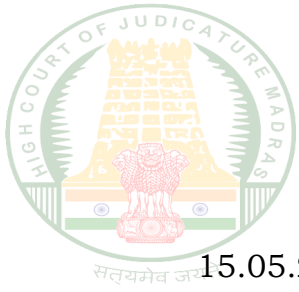
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records relating to in CrI.M.P.No.594 of 2025 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram dated 15.05.2025 and to set aside the 1st condition with regard to two sureties with solvency certificate.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.S.S.Manoj,
Government Advocate (Criminal)

ORDER

Challenging the 1st condition of the impugned order passed by the learned Judicial Magistrate No.I, Padmanabhapuram, dated



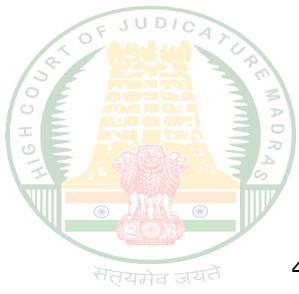
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15.05.2025, this Criminal Revision Petition is filed.

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2. The learned counsel for the petitioner submits that since the Trial Court insists upon the solvency of the surety, which is on an onerous condition as far as the revision petitioner is concerned, he seeks for modification. The impugned order passed by the Trial Court while considering the application filed under Sections 497 and 503 of BNSS imposed the following as the first condition; the petitioner shall produce a solvency certificate by executing bond for the current value of the vehicle with two sureties for the said bond and pressed for allowing the modification.

3. Per contra, the learned Government Advocate (Criminal side) appearing for the respondent submitted that this is not the first time, for which the vehicle has been utilized for transporting M sand, already the vehicle is involved in one another criminal case of similar nature and hence, the release of the vehicle by modifying the first condition of the impugned order is not permissible and pressed for dismissal of the criminal revision petition.

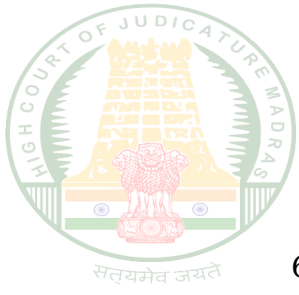


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4. This Court, in a case in Crl O.P.No.14242 of 2024, dated 20.06.2024, has held that the question of requiring the petitioner to produce a bond or solvency certificate will arise in the case of bail, and not in the case of return of property. But the condition of insisting for the solvency certificate under Chapter III of Criminal Rules of Practice, 2019, is all about bail and surety and such a condition may not apply in the case of return of property pending enquiry as contemplated under Rule 257 of Criminal Rules of Practice, 2019, which falls under Chapter XXXII.

5. Accordingly, the submission of the learned Government Advocate is negated and this Court on perusing the said provision finds that there is no mandate to direct the petitioner in the case of return of property to produce solvency. Applying the same analogy, it is directed that the Trial Court shall accept the bond without insisting solvency certificate and test the sureties in accordance with law to proceed further.



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6. With the above observations, this Criminal Revision Petition is
allowed. No costs.

05.06.2025

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

To

- 1.The Judicial Magistrate No.I,
Padmanabhapuram.
- 2.The Sub Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

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