

Orders on Application under Sec.451 & 457 Cr.P.C.

The petitioner M/s Manappuram Finance Ltd. represented by its Area Head David Raj.G. has filed this application, seeking to amend and modify the conditions of order dated 17-03-2023 of this court by contending that the gold has to be released from police station, which needs to be handed over to its customer to whom actually they belong. There is condition that the gold should be furnished as and when required, which might be difficult, as the same needs to be released to customer. Hence this application.

2. On the other hand, the learned Sr.APP has filed objections by contending that the application is not maintainable either in law or on facts. If the application is allowed, there are chances of alienating the ornaments and destroying the prosecution evidence. The ornaments are very much required during trial for identification purpose. Hence prayed to reject the application.

3. Heard arguments from both sides.

4. Herein already this court has ordered to release the ornaments at item No.1 and 2 seized and reported to court under PF No.11/2023 to the interim custody of petitioner, subject to conditions. Now the petitioner company through

its Area Head has come up with this application seeking to amend and modify the conditions, as the ornaments are to be handed over to its customer.

5. I have gone through the orders dated 17-03-2023 of this court. Now the case is at the stage of trial. During submission of arguments, the advocate for petitioner submits that he is ready to give bank guarantee equal to the bond amount. Therefore he sought for modification of the condition No.1 and 2. Since the petitioner being finance company, so also complainant in this case, if condition No.1 and 2 are not modified, definitely inconvenience may be caused to petitioner. Under the facts and circumstances of case, I proceed to pass the following;

ORDER

The application is allowed and the condition No.1 and 2 are modified as under;

The petitioner shall furnish bank guarantee for the bond amount.

Rest of the order dated 17-03-2023 remains intact.

Chief Metropolitan Magistrate,
Bengaluru.