

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30-11-2015

CORAM:

THE HONOURABLE MR. JUSTICE A. SELVAM

Crl.O.P.No.26709 of 2015

Mr. A. Vellaisamy ...Petitioner/ Petitioner/Third Party

Vs.

State by
CBI/ACB/Chennai. ... Respondent/Respondent/Complainant

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 praying to set aside the order passed in Crl.M.P.No.791 of 2015 dated 21-08-2015 by the XI Additional Sessions Judge, CBI Cases, Chennai.

For petitioner :: Mr. C.P. Palanichamy
For respondent :: Mr. K. Srinivasan, APP

ORDER

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 praying to set aside the order passed in Crl.M.P.No.791 of 2015 dated 21-08-2015 by the XI Additional Sessions Judge, CBI Cases, Chennai.

2. The petitioner, as petitioner has filed Crl.M.P.No.2019 of 2014 on the file of the Trial Court and the same has been allowed subject to certain conditions and one of the conditions is that the petitioner, should produce the documents, in question, as and when it is required by the Trial Court and in order to relax the same, Crl.M.P.No.791 of 2015 has been filed on the file of the Trial Court and the same has been dismissed. Against the dismissal order, the present criminal original petition has been filed.

3. The learned counsel appearing for the petitioner has contended that the petitioner is a court-auction purchaser and in pursuance of C.C.No.12 of 2002, the documents of the petitioner have been seized and subsequently Crl.M.P.No.2019 of 2014 has been filed for the relief sought therein and the Trial Court has allowed the same with three conditions and one of the condition is that the document in question should be produced as and when it is required. The said condition is nothing, but onerous and in order to relax the same Crl.M.P.No.791 of 2015 has been filed. But the Trial Court has erroneously dismissed the same.

4. The learned Special Public Prosecutor has fairly conceded that the petitioner is none other than the Court-auction purchaser and owner of the property in question.

5. Considering the fact that the petitioner is a Court-auction purchaser and also considering that he has had no nexus with the crime, the first condition imposed in CrI.M.P.No.2019 of 2014 is liable to be relaxed. But the Trial Court without considering the nature of claim put forth on the side of the petitioner has erroneously dismissed CrI.M.P.No.791 of 2015 and therefore, the present criminal original petition is liable to be allowed.

In fine, the criminal original petition is allowed and the order dated 21-08-2015 passed in CrI.M.P.No.791 of 2015 is set aside and consequently, CrI.M.P.No.791 of 2015 is allowed.

sd/-
Assistant Registrar (Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

glp

To,

1. CBI/ACB/Chennai

2. The XI Additional City Civil and Sessions Judge,
CBI Cases, Chennai.

+1 CC to Ms.A.Madhumathi Advocate. SR.NO. 65004

सत्यमेव जयते

CrI.O.P.No.26709 of 2015

CO-VGI
JD 25/01/2016

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