

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.3698 of 2015

Alex C.Joseph

.. Petitioner/Accused NO.2

vs

State by Inspector of Police,
CBI : ACB, Chennai.
(Crime No.RC MA1 2013 A.0012)

.. Respondent/Complainant

Prayer:- This Criminal Original Petition is filed under Section 482 Cr.P.C. to set aside the order of the learned Principal Special Judge for CBI Cases (VIII Additional City Civil Court) Chennai, set aside the common order passed by the learned Judge made in Crl.MP.No.2967 of 2014 dated 08.09.2014 in respect of the condition imposed on him by the Lower Court for the return of his Rolex Watch concerned in Crime No.RC MA1.2013 A 0012 on the file of the Inspector of Police, CBI/ACB, Chennai to the custody of the petitioner herein.

For Petitioner : Mr.S.Ramachandran

For Respondent : Mr.Bhasuran

Special Public Prosecutor for CBI Cases

ORDER

This Criminal Original Petition is filed by the petitioner seeking for a clarification of the order dated 08.09.2014 made in Crl.MP.No.2967 of 2014, in respect of the return of Rolex Watch to the petitioner/Accused No.2 either by execution of bond for Rs.50,000/- or by depositing a sum of Rs.50,000/-

2.Heard the learned counsel appearing for the petitioner and the learned Special Public Prosecutor for CBI Cases.

3.The learned counsel appearing for the petitioner would submit that he has no objection to execute a bond for Rs.50,000/- instead of depositing a sum of Rs.50,000/-.

4.Resisting the same, the learned Special Public Prosecutor for CBI Cases would submit that the Trial Court in its order has specifically mentioned as "...after executing a bond of Rs.50,000/- by him to the satisfaction of this Court for the purpose of depositing the said amount before this Court in the event of passing

any order as such at the time of final disposal of the case". Hence, he prayed for dismissal of this petition.

5.Considered the submissions made on both sides and perused the typed set of papers.

6.The petitioner herein, who was arrayed as Accused No.2, has filed a petition in CrI.MP.No.2697 of 2014 for return of Rolex Watch and six Mobile Phones . The said petition was resisted by the respondent by filing a counter, wherein it is stated as "However, the prosecution is ready to return the Rollex Watch to the petitioner, imposing certain conditions deemed fit by this Hon'ble Court". After hearing both sides, the Trial Court passed the following order:

"CrI.MP.No.2967/2014 : In the result, this petition is partly allowed. The respondent/complainant is directed to return the Rollex Watch to the A-2 - Mr.Alex C Joseph after executing a bond of Rs.50,000/- by him to the satisfaction of this Court for the purpose of depositing the said amount before this Court in the event of passing any order as such at the time of final disposal of the case".

7.In such circumstances, I am of the view that the petitioner is directed to execute a bond for Rs.50,000/- instead of depositing Rs.50,000/-.

8.In the result, this Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar

Dated:13.3.15

True Copy

Sub Assistant Registrar

To

1.Inspector of Police, CBI : ACB, Chennai.

2.The Principal Special Judge for CBI Cases
(VIII Additional City Civil Court) Chennai

3.The Spl.Public Prosecutor for CBI Cases,
High Court, Madras.

+1 cc to Mr.S.Ramachandran, Advocate,SR.12305.

rsy(co)

krd 19/3

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