

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.8526 of 2015

and

M.P.No.1 of 2015

R.Arumugam .. Petitioner
vs
Malarkodi .. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 25.02.2015 passed in the memo dated 05.11.2014.

For Petitioner :Mr.S.K.Rakhunathan

ORDER

Heard the learned counsel for the petitioner.

2. The petitioner is aggrieved by the returns dated 25.02.2015 passed by the learned Judicial Magistrate No.II, Panruti, which reads as follows:

"The respondent filed this memo to mark the unregistered release deed executed by the petitioner in favour of the respondent and the memo returned on 17.12.2014, 21.01.2015, 28.01.2015, 11.02.2015 and 18.02.2015 stating that without filing an application as contemplated under evidence act. Hence, the memo is not maintainable and u/s.17 of Indian Registration Act release deed should be registered and unregistered release deed cannot be marked through memo. Hence, the memo is rejected."

3. It appears that the petitioner, who is the respondent in M.C.No.8 of 2010 on the file of the learned Judicial Magistrate No.II, Panruti has filed a memo seeking to mark the unregistered release deed, which was returned by the aforesaid order. The learned Magistrate has only directed the petitioner to file the documents along with the necessary petition. Hence, this Court does not find any illegality or impropriety in the order passed by the learned Magistrate.

4. Learned counsel for the petitioner submitted that the

petitioner is aggrieved over the second portion of the order, wherein the learned Magistrate has stated that the release deed should be registered under Section 17 of the Indian Registration Act. This aspect can be gone into by the learned Magistrate only after the petitioner files an appropriate petition as per the direction in the said order and not before this Court by way of the present petition under Section 482 of the Criminal Procedure Code.

5. With the above observation, this petition is closed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Judicial Magistrate No.II, Panruti

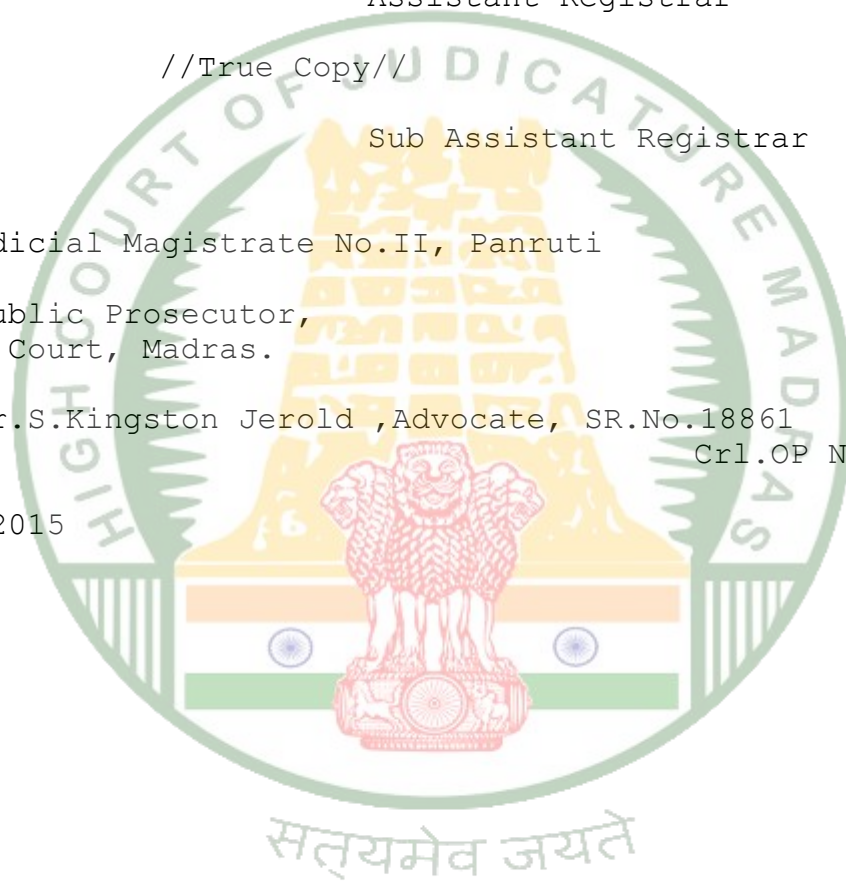
2. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.S.Kingston Jerold ,Advocate, SR.No.18861

Crl.OP No.8526 of 2015

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pmk.16.4.2015



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