

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.24453 of 2017

Kavaskhan

... Petitioner

Vs.

The State rep. by
Inspector of Police,
C4 Rathinapuri Police Station,
Coimbatore District,
(Crime No.221 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed in Crl.M.P.No.1247 of 2017 dated 09.06.2017 on the file of the Principal District and Sessions Judge, Coimbatore and consequently direct the Principal District and Sessions Judge, Coimbatore to return the original sale deed Doc.No.5225 of 2010 which was furnished while executing a surety before the Judicial Magistrate, No.II, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.Iyyappa Raj
Addl.Public Prosecutor

ORDER

This petition is filed to set aside the order passed in Crl.M.P.No.1247 of 2017 dated 09.06.2017 on the file of the Principal District and Sessions Judge, Coimbatore and consequently direct the Principal District and Sessions Judge, Coimbatore to return the original sale deed Doc.No.5225 of 2010 which was furnished while executing a surety before the Judicial Magistrate, No.II, Coimbatore.

2. In an identical circumstances, this Court had passed an order dated 21.08.2017 in Crl.O.P.No.16922 of 2017 which reads as follows:-

" 3. According to the learned counsel for the petitioner that in obedience to the order passed in C.M.P.No.2743 of 2016 dated 05.11.2016, he had produced one surety before the learned Judicial Magistrate No.II, Coimbatore and document is under the Court custody.

4. Subsequently, the petitioner had filed modification petition before this Court in Crl.O.P.No.11493 of 2017 dated 07.07.2017 and by order dated 25.07.2017, this Court had directed to return a original title deed to the petitioner, which was in the custody of Judicial Magistrate, No.II, Coimbatore. However, it was later

realised that the original title deed was in the custody of the Principal District Sessions Judge, Coimbatore. Hence, the petitioner has filed the present petition seeking for return of the document from the Principal District and Sessions Judge, Coimbatore.

5. In view of the limited prayer sought for earlier order passed in Crl.M.P.No.1290 of 2017 on the file of the Principal District and Sessions Judge, Coimbatore is set aside and consequently, the Principal District and Sessions Judge, Coimbatore is directed to return the original sale deed that was furnished while executing the surety before the Judicial Magistrate, No.II, Coimbatore, such an exercise shall be completed within a period of one week from the date of receipt of a copy of this order."

3. The above said order is applicable to the facts of the present case. In view of the same, the order dated 09.06.2017 passed in Crl.M.P.No.1247 of 2017 is set aside and consequently the learned Principal District and Sessions Judge, Coimbatore is directed to return the original sale deed Doc.No.5225 of 2010 to the petitioner which was furnished before the learned Judicial Magistrate II, Coimbatore within a period of one week from the date of receipt of a copy of this order.

4. With the above direction, this criminal original petition is allowed.

Sd/-

Assistant Registrar(CS-V)

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Sub Assistant Registrar

dpq

To

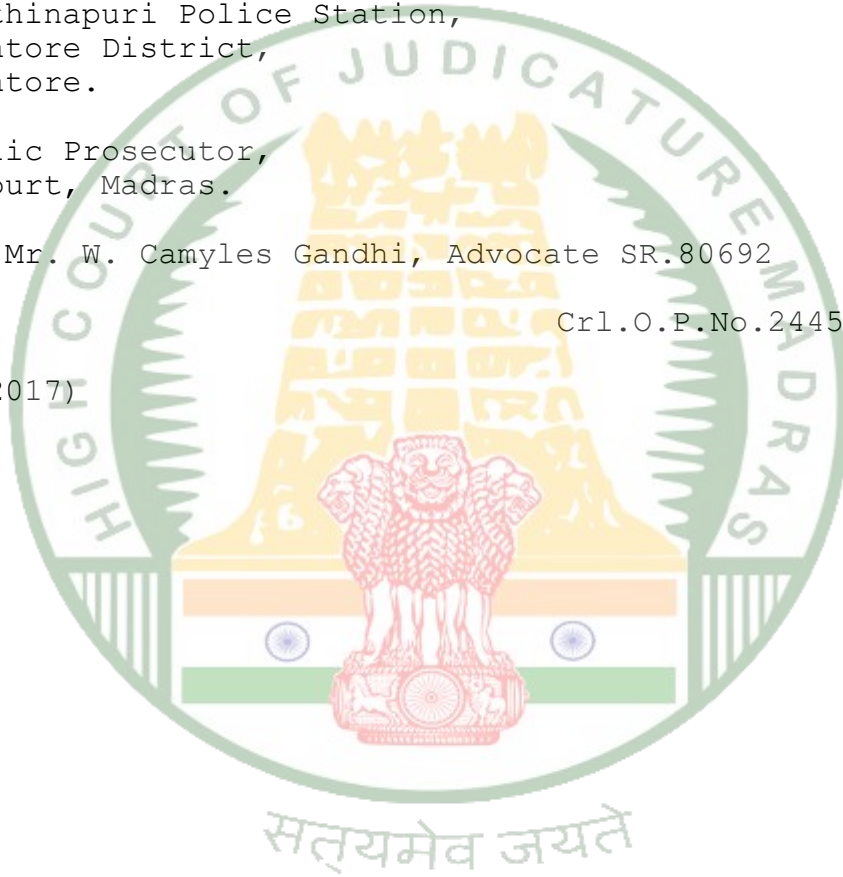
1. The Principal District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate II,
Coimbatore.
3. The Inspector of Police,
C4 Rathinapuri Police Station,
Coimbatore District,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. W. Camyles Gandhi, Advocate SR.80692

Cr1.O.P.No.24453 of 2017

CS-V

EU(17/11/2017)



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