

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

Crl.OP No.25652 of 2017

Tips Karthick @ Karthick

..Petitioner

Vs

The State rep.by
The 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.1289 of 2017 dated 09.06.2017 on the file of the Principal District and Sessions Judge, Coimbatore and consequently direct the Principal Sessions Judge, Coimbatore to return the original sale deed Doc.No. 1931 of 2016 which was furnished while executing a surety before the Judicial Magistrate No.II, Coimbatore .

For Petitioner : W.Camyles Gandhi

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The prayer in the present petition is to set aside the order passed in Crl.M.P.No.1289 of 2017 dated 09.06.2017 on the file of the Principal District and Sessions Judge, Coimbatore and consequently direct the Principal Sessions Judge, Coimbatore to return the original sale deed Doc.No. 1931 of 2016 which was furnished while executing a surety before the Judicial Magistrate No.II, Coimbatore.

2. The learned counsel for the petitioner submits that while granting bail in C.M.P.No. 2742 of 2016, dated 05.11.2016 one of the condition was that the petitioner shall execute two sureties out of which, one surety shall produce original title deed stands in his/her name. It is now submitted that in the above crime, charge sheet has been filed and the proceedings

have been committed to the Principal District and Sessions Judge, Coimbatore in Spl. S.C.No. 17 of 2016.

3. In view of the completion of the investigation, it would be appropriate to direct the respondent to return the sale deed to the petitioner.

4. I find no justification in the order of the learned Principal District and Sessions Judge, Coimbatore with regard to the aspect of keeping the sale deed in custody.

5. Hence, the order dated 09.06.2017 passed in C.M.P.No. 2742 of 2016 by the learned Principal District and Sessions Judge, Coimbatore is set aside. Consequently, the learned Principal District and Sessions Judge, Coimbatore is directed to return the original sale deed in document No. 1931 of 2016 to the petitioner within a period of one week from the date of receipt of a copy of this order.

With the above observation, the Criminal Original Petition stands allowed. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal District and Sessions Judge, Coimbatore.
2. The Inspector of Police,
C4, Rathinapuri Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Chennai.

+1 CC to W.Camyles Gandhi, Advocate sr 83919.

Cr1.OP No.25652 of 2017

SP(06/12/2017)