

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice B. RAJENDRAN

CRIMINAL MISCELLANEOUS PETITION No.4448 & 4449 of 2017

IN CRL OP.30902 AND 32150 /2012

K.ARULMANI,

[PETITIONER IN CRL.MP.NO.4448/2017]

T.V.RAMALINGAM

[PETITIONER IN CRL.MP.NO.4449/2017]

Vs

1 THE STATE REP.BY ITS
THE SUB INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING II,
NAMAKKAL
CR.NO.3 OF 2012.

[RESPONDENT IN BOTH THE PETITIONS]

Petition praying that in the circumstances stated therein the High Court will be pleased to issue direction, directing to the Special Judge (TNPID) Act Cases. Coimbatore to release original documents in favour of petitioner relating to 13.5 acres deposited by the A5 and A7 and 70 housing plots as per this Hon`ble Court direction on 07.08.2013 in C.C.No.08/2013 in Crl.O.P.30902 AND 32150 of 2012[IN CRL.MP.NOS.4448 & 4889/2017]

Order : These petitions coming on for orders upon perusing the petitions and upon hearing the arguments of M/S.E.C.RAMESH, Advocate for the petitioners(IN BOTH THE PETITIONS) and of MR.E.RAJA,ADDL.PUBLIC PROSECUTOR on behalf of the Respondents (IN BOTH THE PETITIONS) and of MR.R.S.KIRUBAKARAN AND MR.T.SUNDARAVADANAM, Advocate on behalf of the Intervenor(IN BOTH THE PETITIONS), the court made the following order:-

Crl.M.P.No.4448 of 2017 has been filed praying to issue a direction directing the special Judge (TNPID) Act Cases, Coimbatore to release the original documents in favour of the petitioner relating to 13.5 acres of land deposited by the accused 5 and 7 and 70 housing plots as per the direction of this court on 07.08.2013 in C.C.NO.08 OF 2013 in Crl.Op.No.30902 of 2012.

2.Crl.M.P.No.4449 of 2017 has been filed praying to issue a direction directing the Special Judge(TNPID) Act Cases. Coimbatore to release the original documents in favour of the petitioner relating to 13.5 acres of land deposited by the accused 5 and 7 and 70 housing plots as per the direction of this Court on 07.08.2013 in C.C.No.08

of 2013 in CrI.OP.No.32150 of 2012.

3. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondent and the learned counsel appearing for the Intervenor.

4. At the outset, it has to be mentioned that the prayer in the present petition lack clarity. It is not known as to what are all the description of documents which were deposited in the custody of the court and what is sought to be achieved by the petitioner in the event of the documents being released in his favour. While so, blanket direction to handover the original documents to the petitioner cannot be granted by this court at the instance of the petitioners. In any event, as per the earlier direction of this court, Hon'ble Mr.Justice G.M.Akbar Ali, former Judge of this Honourable court was appointed by this court as a one man Commissioner and the Honourable Judge is being assisted by the investigation officer. If the Hon'ble commissioner requires the documents, which is sought to be released for the purpose of registration in favour of the petitioner in these petitions, it is for the investigation officer to file necessary petition before the concerned court seeking for return of the original documents. Thereafter, the court, on being satisfied with the reasons, may order for release of the document, if any, only for the purpose of registration. The investigation officer on obtaining the original documents from the court may produce it for registration and thereafter return the original document to the Court without fail. Such an exercise can be carried out only as per the request letter from the Honourable Commissioner. In any event, the grievance of the petitioner, if any, will be looked into by the Honourable Judge appointed by this Court and the petitioner can work out his remedy only before the Honourable Judge appointed by this court. Accordingly, both the petitions are ordered.

-sd/-

28/03/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE HONOURABLE
MR.JUSTICE G.M.AKBAR ALI, [FORMER JUDGE HIGH
COURT], NO.6, 9TH CROSS STREET, SENTHIL NAGAR,
KOLATHUR CHENNAI-600 099.

2 THE SPECIAL JUDGE
TNPd ACT CASES, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP.BY ITS
THE SUB INSPECTOR OF POLICE, ECONOMIC
OFFENCE WING II, NAMAKKAL CR.NO.3 OF 2012.

5 THE INSEPCTOR OF POLICE,
ECONOMIC OFFENCE WING-II, NAMAKKAL

6 THE DISTRICT REVENUE OFFICER
SALEM

7 THE SECRETARY
DISTRICT LEGAL SERVICES AUTHORITY,
SALEM

+2 C.C. to M/S.E.C.RAMESH Advocate on payment of necessary
charges SR.NO. 5820,5821

+1 C.C. to M/S.R.S.KIRUBAKARAN Advocate on payment of necessary
charges SR.NO. 5826

Order

in
CRL MP.4448 & 4449/2017

in
CRL OP.30902 AND 32150/2012

Date :28/03/2017

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RD 18/04/2017