

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No. 10707 of 2018

Robinson

@ Robinson P.Samuel

... Petitioner

Vs.

1. The Superintendent  
Metropolitan Magistrate Courts  
Saidapet  
Chennai 600 015.

2. The Superintendent  
Metropolitan Magistrate Courts  
Egmore, Chennai 600 015  
presently at Allikulam  
Chennai 600 003.

3. State rep. by  
The Inspector of Police  
CBCID Cyber Crime Cell  
Guindy  
Chennai.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents herein to locate and return the original sale deed dated 09.05.1996 bearing Document No.3195 of 1996, in compliance of the order dated 24.07.2015 passed by the learned XI Metropolitan Magistrate, Chennai -15, in Crl.M.P. No. 2976 of 2015 and to pass further orders.

For Petitioner : M/s. J. Thilagaraj

For Respondents : Mr. C. Raghavan  
Govt. Advocate (Crl. Side)

ORDER

The relief sought for in this petition is to direct the respondents herein to locate and return the original sale deed dated 09.05.1996 bearing Document No.3195 of 1996, in compliance

of the order dated 24.07.2015 passed by the learned XI Metropolitan Magistrate, Chennai -15, in Crl. M.P. No. 2976 of 2015.

2. On 05.04.2018, this Court passed the following order :-

" It is the case of the petitioner that he stood surety for one R.Stephen alias Vijay Stephen, who was arrested by the CBCID- Cyber Crime Cell in Crime No.7 of 2008 and at that time, he submitted the original sale deed dated 09.05.1996, along with surety affidavit before the Metropolitan Magistrate No.II, Egmore, where the FIR is pending. Thereafter, the case appears to have been transferred to the Metropolitan Magistrate No.XI, Saidapet, Chennai-15 and the case is now pending in C.C.No.9843 of 2010. The petitioner filed Crl.MP.No.2976 of 2015 in CC.No.9843 of 2010 for returning of the original sale deed and the Metropolitan Magistrate No.XI, Saidapet, Chennai, by order dated 24.07.2015 has directed to return the said sale deed to the petitioner.

2. It is the grievance of the petitioner that despite the order passed by the Metropolitan Magistrate No.XI, the petitioner has not been able to get back his sale deed, as he is being shuttled by the Court Officials from XI Metropolitan Magistrate Court to the II Metropolitan Magistrate Court.

3. Considering the above facts, this Court directs the Metropolitan Magistrate No.XI and the Metropolitan Magistrate No.II to conduct an enquiry and trace the sale deed, if the original had been submitted by the petitioner and return the same within a period of two weeks from the date of receipt of a copy of this Order. In the meantime, the Metropolitan Magistrate No.XI and the Metropolitan Magistrate No.II are directed to send the report to this Court.

4. Post the matter on 26.04.2018 for reporting compliance. "

3. The learned II Metropolitan Magistrate, Egmore, Chennai has sent a report dated 18.04.2018, wherein it is stated as follows :

"I humbly submit that, in compliance of the order of Hon'ble High Court, I have sent the Original Sale Deed of the petitioner in Crl.O.P. No. 10707/2018 and other related records to the XI

Metropolitan Magistrate Court, Saidapet, Chennai -  
15 on 17.04.2018.

I humbly submit this for your Honours kind  
information "

4. Learned counsel for the petitioner submitted that pursuant to the orders passed by this Court, the XI Metropolitan Magistrate, Saidapet has returned the documents to the petitioner on 19.04.2018.

5. In view of the above, this petition is closed. However, it has come to the knowledge of this Court that there are several such records pending on the file of the II Metropolitan Magistrate, Egmore, to be transmitted to the court of the XI Metropolitan Magistrate, Saidapet. The II Metropolitan Magistrate, Egmore, is directed to take an inventory of those records and immediately despatch the same to the XI Metropolitan Magistrate, Egmore, within a period of three months from the date of receipt of a copy of this order.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent  
Metropolitan Magistrate Courts  
Saidapet, Chennai 600 015.
2. The Superintendent  
Metropolitan Magistrate Courts  
Egmore, Chennai 600 015  
presently at Allikulam  
Chennai 600 003.
3. The Inspector of Police  
CBCID Cyber Crime Cell  
Guindy, Chennai.
4. The II Metropolitan Magistrate  
Egmore, Chennai-8.

5. The XI Metropolitan Magistrate  
Saidapet, Chennai - 15.

6. The Public Prosecutor,  
Madras High Court, Chennai.

+2cc to M/s. J. Thilagaraj, Advocate in sr.no.31850

Crl.O.P.No. 10707 of 2018

nr 17/05/2018



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