



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.R.C.[MD].No.447 of 2018

WEB COPY

Kumarasamy

: Petitioner/Petitioner/
De-facto Complainant

Vs.

1.The State Represented by its,
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.

(Crime No.1038 of 2017)

:Respondent/Respondent/Complainant

2.Mayandi

3.Ravi @ Tailor Ravi

:Respondents/Respondents/
Accused Nos.1&2

PRAYER : Criminal Revision is filed under Section 397 r/w 401 of Cr.P.C. to call for the records relating to the order of the learned Judicial Magistrate No.II, Madurai dated 25.07.2018 in Crl.M.P.No.3017 of 2018 filed by the petitioner under Section 451 of Cr.P.C. and set aside the same as illegal and entrust the custody of the document to the petitioner.

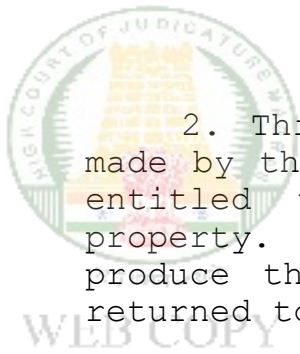
For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.A.Robinson

Government Advocate(R1)

ORDER

This criminal revision has been filed against the dismissal of the petition filed for returning the original documents to the owner of the property, who is not an accused in the case. Even in the petition, the petitioner has specifically undertaken that he will produce the original document, as and when required by the Court. The accused in the case has cheated by creating a false document and registering the same, as against which, a complaint has been filed and it is pending for investigation. The petitioner has got nothing to do with the said offence and the original document belonging to the petitioner was produced by him, before the Investigating Officer during the course of investigation and that point of time, this original document was kept under the custody of the police.



2. This Court does not find any reason to reject the request made by the petitioner, who is the owner of the property and he is entitled to retain the original documents pertaining to the property. Therefore, after sufficient safeguards are made to produce the document, as and when required, the document can be returned to the petitioner.

3. The petitioner is directed to file an affidavit of undertaking before the learned Magistrate No.II, Madurai, not to alienate the property which is the subject matter of the document and further undertake to produce the original document, as and when, it is required by the Court. On such affidavit of undertaking being filed by the petitioner, the Court below is permitted to take a photocopy of the original document and certify the same, in comparison with the original document. The original document shall be returned to the petitioner thereafter.

4. Accordingly, the Criminal Revision Petition stands allowed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate No.II, Madurai.

2.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.M.Jegadeesh Pandian, Advocate, SR.No. 77650

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SJI

ES/RP/SAR 3/28.08.2018/2P/5C