



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2018

CORAM:

THE HONOURABLE Mr. JUSTICE M. NIRMAL KUMAR

WEB COPY

CRL M.P(MD) No. 9478 of 2018
in
Crl.O.P. (MD) No. 17820 of 2018

1.A.Bagavath Singh

2.A.Baskaran

... Petitioners

Vs.

The Inspector of Police,
Anti - Land Grabbing Wing,
Theni District
In Crime No.32 of 2018.

... Respondents

PRAYER: Petition is filed under Section 439(1) r/w 482 of Criminal Procedure Code, praying to modify the condition on that (i) the Petitioners are directed to deposit certify copy of the power of attorney deed and the sale deed executed in favour of A1 before the Court below at the time of surrender instead of (i) The petitioners are directed to deposit original power of attorney deed and also the sale deed executed in favour of A1, before the Court below at the time of surrender in Crl.O.P(MD) No. 17820 of 2018, dated 05.10.2018.

For Petitioners : Mr.A.P.Muthupandian

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed praying to modify one of the condition that "the petitioners are directed to deposit certify copy of the power of attorney deed and the sale deed executed in favour of A1 before the Court below at the time of surrender" instead of " the petitioners are directed to deposit the original power of attorney deed and also the sale deed executed in favour of A1 before the Court below at the time of surrender", in the order, dated 05.10.2018.

2. The learned counsel appearing for the petitioner would submit that petitioner's wife had passed away on 25.10.2018 and the document in question was in her custody and he is unable to trace the same. Hence, he seeks modification in the order dated 05.10.2018, as stated above.

3. The entire case rests on this document as could be seen from the order, dated 05.10.2018. The defacto complainant's mother had executed power of attorney in favour of A2, who in turn, sold the property in favour of A1, on 01.11.2011. The mother of the



defacto complainant died on 27.04.2011. After the death of defacto complainant's mother, the power of attorney that has been used by A2 to execute the sale deed in favour of A1 is null and void and is fabricated document. This document was directed to be deposited in the Court.

WEB COPY

4. In the light of the submissions made on either side, this Court directs the first petitioner to get the certified copy of the document and submit along with the affidavit, mentioning with specific undertaking of clause that as soon as the original document is traced, the same would be submitted to the trial Court. On receipt of the affidavit and certified copy, the trial Court admit the sureties.

5. With the above direction, this Criminal Miscellaneous Petition is ordered.

6. Since the Modification petition is ordered today, the Petitioners are granted a further time of 15 days to surrender and execute the sureties before the concerned court, from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate,Theni.

2.The Inspector of Police,
Anti - Land Grabbing Wing,
Theni District.

3.The District Special Court for Anti land Grabbing,
Theni District.

4.Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

Kk/05.04.2019/2p/5c

CRL M.P (MD)No.9478 of 2018
in

Cr1.O.P. (MD)No.17820 of 2018

16.11.2018