

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6713 of 2018

N.Abid Hussain Sayeed

.. Petitioner

/Vs/

1. State rep. by
The Inspector of Police,
District Crime Branch,
Kancheepuram District.
Kancheepuram.

2. Dr.Zubaida Begum

3. U.Ikram Basha,

4. U.Fazil Basha

.. Respondents

Prayer:

Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate-II, Chengalpattu, to expedite the disposal of C.C.No.260 of 2014 within a suitable time frame.

For Petitioner : Mr.G.Daisy John

For Respondent-1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For Respondent-2 : Mr.K.N.Selvabharathi

* * * * *

सत्यमेव जयते
O R D E R

This Criminal Original Petition is filed by the petitioner to direct the learned Judicial Magistrate-II, Chengalpattu, to expedite the disposal of C.C.No.260 of 2014 within a suitable time frame.

2. The learned counsel appearing for the petitioner would submit that A1-Zubaida Begum, is the owner of the property and she had appointed A2-Ikram Basha as her power agent and A3-Fazil Basha is the brother of A2. Subsequently, A1 had executed the Power of Attorney vide Doc.No.683 of 2006 on 09.10.2006 in favour of A2. Through the said Power of Attorney, the A2 executed a sale deed for the property in S.No.46/1A1A, [Survey

No.46/1A Part] vide Doc.No.9003/2006 in favour of Nazurullah Sherif and Sherina Begum on 16.10.2006. Thereafter, the said sale deed was cancelled by the second accused vide Doc.No.7210 of 2007 on 13.07.2007 on the file of Sub Registrar Office, Thiruporur. The above said cancellation of sale deed entries had not been shown in the encumbrance certificate and thereafter, A2 & A3 had sold the property to the petitioner herein measuring 94 cents, for Rs.51,00,000/- by suppressing the earlier unregistered equitable mortgage by deposit of title deeds created by A1 in favour of the Indian Bank and falsely representing to the petitioner herein that the original title deeds were misplaced/lost by A2 as per the police complaint dated 31.05.2006. Thereafter, the first respondent/police registered a case in Crime No.37 of 2012 for the offence under Section 506(ii) IPC, against A1 and A2, and under Section 420, 506(ii) IPC r/w Section 34 IPC against A1 to A3. Now, A1 to A3 are threatening the petitioner herein.

3. The learned Additional Public Prosecutor appearing for the 1st respondent would submit that the investigation is over and the respondent has filed a final report before the Courts below

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

5. This Court is of the view that the above case has to be disposed of at an early date, taking into consideration the allegations made thereunder. Considering the above facts and circumstances of the case, the learned Judicial Magistrate-II, Chengalpattu, is directed to complete the trial and dispose of the matter as expeditiously as possible within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

msm

To

- 1) The Judicial Magistrate-II, Chengalpattu.
- 2) - do - Through The Chief Judicial Magistrate,
Chengalpattu.
- 3) The Inspector of Police, District Crime Branch,
Kancheepuram District, Kancheepuram.
- 4) The Public Prosecutor, High Court, Madras.

+1 cc to Mr.G.Daisy John, Advocate, S.R.No.15395

+1 cc to Mr.K.N.Selvabharathi, Advocate, S.R.No.14961

Crl.O.P.No.6713 of 2018

MP (CO)
SSM(22/03/2019).



WEB COPY