

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9723 of 2018

T.Savithiri

... Petitioner

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
CCB, Coimbatore,
Crime No.41 of 2009.

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to modify the condition imposed in the order dated 02.02.2013 made in Crl.M.P.No.436 of 2013 in C.C.No.330 of 2011 on the file of the Judicial Magistrate No.V, Coimbatore.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed in the order dated 02.02.2013 in Crl.M.P.No.436 of 2013 in C.C.No.330 of 2011 on the file of the Judicial Magistrate No.V, Coimbatore.

2. It is seen that the petitioner is the mother of the first accused and also she is the absolute owner of the property situated in Gold Wins, Kalapatti, Coimbatore, which registered under sale deed dated 26.08.1991 as Document No.4624 of 1991.

3. It is also seen that pursuant to the Crime registered by the respondent in Crime No.41 of 2009 against the petitioner's son, the above sale deed dated 26.08.1991 has been seized from the petitioner by the Court below, as she is none other than the mother of the first accused. Thereafter, the petitioner has filed a petition in Crl.M.P.No.436 of 2013 in C.C.No.330 of 2011

for returning of the said document pending trial and the Court below, while returning the same by order dated 02.02.2013, has imposed certain conditions, which are as follows:-

"For the foregoing reasons, this Court inclined to return the Original Sale Deed dated 26.08.1991 registered as Document Number 4624/1991 in SRO, Gandhipuram, Coimbatore to the petitioner by substituting the same with a certified copy subject to the following conditions:

(i) She shall produce the Original Sale Deed dated 26.08.1991 registered as Document No.4624/1991 in SRO, Gandhipuram, Coimbatore, before this Court as and when directed.

(ii) She shall not alienate the property covered by the said sale deed taking advantage of the possession of the said original sale deed.

(iii) She shall execute a bond for Rs.1 Crore with one surety for like sum for due observance of the conditions No.(i) & (ii)."

4. In view of the above, it is clearly seen that the petitioner is not an accused and also the said sale deed dated 26.08.1991 stands in the name of the petitioner. While that being so, the condition imposed by the Court below for returning of the sale deed, that the petitioner shall execute a bond for Rs.1 Crore with one surety for like sum is onerous. Therefore, this Court is inclined to modify the same as Rs.10 lakhs instead of Rs.1 Crore.

5. Accordingly, this Criminal Original Petition is allowed and the condition imposed in the order dated 02.02.2013 in CrI.M.P.No.436 of 2013 in C.C.No.330 of 2011 for executing a bond by the petitioner is modified as Rs.10 lakhs instead of Rs.1 Crore.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vv2/raja

To

1. The Inspector of Police,
CCB, Coimbatore.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.K.S.Karthik Raja, Advocate Sr.No.24798

VSN-II (CO)
CSL/10.04.2019

Cr1.O.P.No.9723 of 2018



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