

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7385 of 2020

Murali

Petitioner

-Vs-

The State, rep by,
The Station House Officer,
Thirukoilur Police Station,
Thirukoilur.
(Crime No.838/2019)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 439 Cr.P.C. to modify the conditions imposed by the Court below in Crl.M.P.No. 2399 of 2020 dated 23.03.2020.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

1. This petition has been filed to modify the conditions imposed by the learned Judicial Magistrate in CMP.No.572 of 2020 in Crime No.838 of 2019 by its order dated 04.03.2020 and modifying the same by the Court of Sessions, Villupuram sessions Division, Villupuram Hon'ble Court in Crl.M.P.No.2399 of 2020 dated 23.03.2020 that "the petitioner is directed to deposit the original sale deed in Doc.No:5603 of 2019 instead of depositing his title deed for a value of Rs.10 lakhs before the trial court" as "the petitioners is permitted to deposit the title deed stands in the name of the D.Kumaraswamy Raja, S/o.Deivasigamony in Doc no: 4277 of 2009, before S.R.O. Cuddalore" shall deposit before the Judicial Magistrate, Tirukoilur" within a period of time frame stipulated by this Court.

2. The petitioner was initially granted default bail by the learned Judicial Magistrate, Thirukoilur in Crl.MP.No.572 of 2020 on 04.03.2020 and was also imposed certain conditions, one of which was that the petitioner shall deposit original title deed worth Rs.10,00,000/- in the name of the accused. Thereafter, the petitioner moved a petition in Crl.MP.No.2399 of 2020 before the learned Sessions Court, Villupuram Sessions Division, Villupuram for

modification of the said condition, and on 23.03.2020, the same was modified as "the petitioner is directed to deposit the original sale deed in Doc.No.5603 of 2019" stands in his name. Now, the petitioner has filed this petition seeking further modification in the said condition.

3. The learned counsel for the petitioner submitted that the petitioner is not able to produce original title deeds stand in the name of the petitioner to the worth of Rs.10,00,000/-, however he is ready and willing to deposit the title deed stands in the name of one, D.Kumaraswamy Raja, S/o.Deivasigamony in Doc.No.4277 of 2009 registered with the Office of the Sub Registrar, Cuddalore.

4. Considering the above facts and circumstances of the case, this Court is inclined to only modify the said condition. As such, the condition imposed by the learned Judicial Magistrate in CMP.No.572 of 2020 in Crime No.838 of 2019 by its order dated 04.03.2020 and modifying the same by the Court of Sessions, Villupuram Sessions Division, Villupuram in Crl.MP.No.2399 of 2020 dated 23.03.2020 that "the petitioner is directed to deposit the original sale deed in Doc.No.5603 of 2019 instead of depositing his title deed for a value of Rs.10 lakhs before the trial court" is modified as follows:

"the petitioner shall deposit title deeds not less than the value of Rs.10,00,000/- (Rupees Ten Lakhs only), stand in the name of the petitioner or his relatives or his friends to the credit of Crime No.838 of 2019 before the learned Judicial Magistrate, Thirukoilur with the proper valuation certificate issued by the authority concerned, within a period of two weeks from the date of receipt of copy of this order.

5. It is also ordered that the rest of the conditions imposed by the learned Judicial Magistrate, Thirukoilur in Crl.MP.No.572 of 2020 dated 04.03.2020 shall remain intact.

6. Accordingly, this criminal original petition is ordered.

-sd/-
11/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*) BEING MENTION AND CORRECTED ORDER COPY IS ISSUED AS PER ORDER OF THIS COURT DATED 04/06/2020.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUKOILUR

2 THE PRINCIPAL DISTRICT AND
SESSION COURT, VILLUPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
THIRUKOILUR POLICE STATION,
THIRUKOILUR.

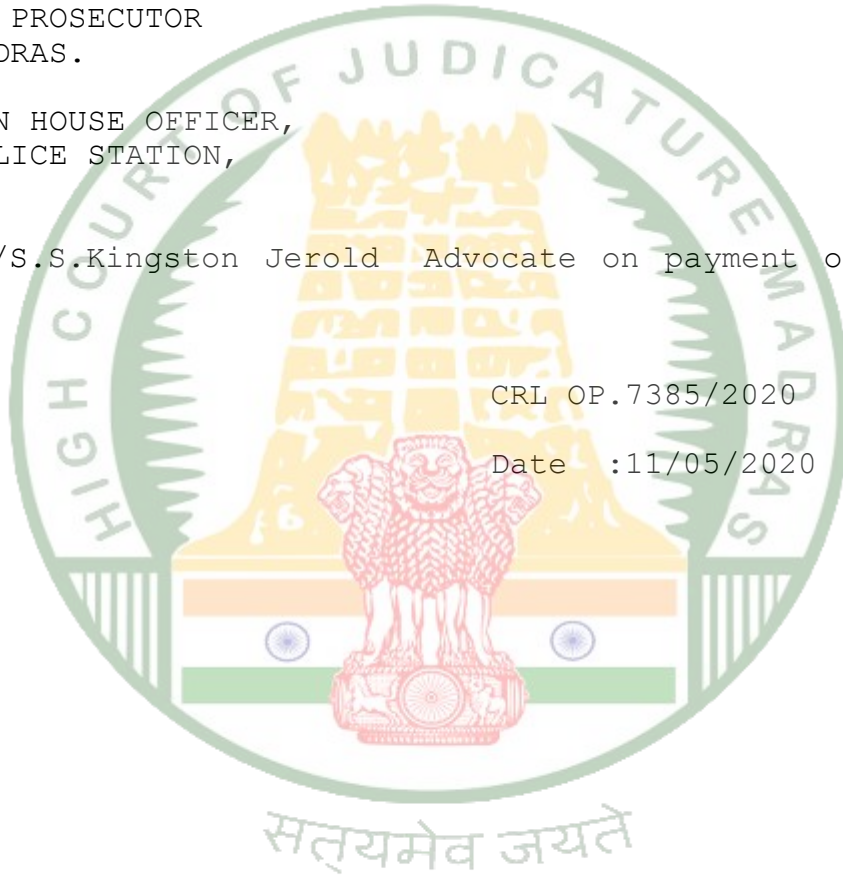
CC to M/S.S.Kingston Jerold Advocate on payment of necessary charges

CRL OP.7385/2020

Date :11/05/2020

RVR 03/08/2020

RVR 23/10/2020



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