

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Cr1.O.P.No.29883 of 2019

Rani
Wife of B.Shanmugasundaram
AvoorMuthaiya Street,
New Washermenpet,
Chennai - 600 081.

...Petitioner

-Vs-

The Superintendent of Customs,
Special Investigation and Intelligence Branch,
Customs House,
Chennai - 600 001.

...Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to return the original sale deed documents No.2316 of 2019 retained in R.R.No.14 of 2019 in F S Mis 101/2019-SIIB by the Additional Metropolitan Magistrate, Egmore by replacing the certified copy of sale deed issued by the Sub Registrar.

For Petitioner : Mr.N.Elayaraja

For Respondent : Mr.N.P.Kumar

Special Public Prosecutor

सत्यमेव जयते
O R D E R

The Criminal Original Petition has been levied by the petitioner seeking the direction to the Additional Metropolitan Magistrate Court, Egmore to return the original sale deed document No.2316 of 2019 retained in R.R.No.14 of 2019 in F S Mis 101/2019-SIIB, by replacing the certified copy of the abovesaid sale deed issued by the Sub Registrar.

2. According to the petitioner following the order passed by this Court dated 23.04.2019 in Cr1.O.P.No.9933 of 2019 directing the release of her husband on bail on conditions, she and another surety have produced the original sale deeds standing in their names while offering sureties. Now according to the

petitioner, the accused, namely her husband, has been complying with the conditional order passed by this Court while granting bail.

3. It is further stated that the original sale deed filed by the petitioner evidencing her solvency is required by the petitioner and therefore she has come forward with the present Criminal Original Petition seeking for the return of the same by the Court concerned by replacing the certified copy of the sale deed.

4. It is putforth by the petitioner's counsel that in respect of the similar relief sought for by the other surety, this Court by an order dated 17.07.2019 in Criminal Original Petition No.16463 of 2019 has granted the relief sought for by directing the concerned surety to deposit a sum of Rs.10,000/- before the Court below and on receipt of the same, the Court below had been directed to return the original document that was deposited by the said surety. On the same lines, the counsel for the petitioner prays to pass orders in this Criminal Original Petition.

5. Mr.N.P.Kumar, learned counsel for the respondent has putforth no serious objection to the relief sought for by the petitioner and prayed that the similar order may be passed by this Court as passed in CrI.O.P.No.16463 of 2019.

6. As adverted to earlier, this Court in CrI.O.P.No.9933 of 2019 dated 23.04.2019 had directed the release of the accused concerned on his execution of a bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the concerned Magistrate. While complying with the said order, it is seen that the petitioner, as per the direction of the Court below, produced the original sale deed in support of her solvency. Now the petitioner has sought for the return of the original sale deed and she is ready to deposit the cash security and also substitute the original document with the certified copy issued by the Sub Registrar's office.

7. As above pointed out, the bail conditions have been complied by the accused without any infraction. In such view of the matter, I am of the considered view that by ordering the return of the original document to the petitioner and substituting the original sale deed with the certified copy and also by directing the petitioner to deposit Rs.10,000/- before the Court below, ends of justice would be satisfied and also taking into consideration that the similar order has been passed by this Court dated 17.07.2019 in CrI.O.P.No.16463 of 2019, in all, taking into consideration the facts and circumstances of the case, the relief sought for by the petitioner is granted

subject to the condition that the petitioner/surety shall deposit a sum of Rs.10,000/- before the Court below and the Court below on receipt of the amount, shall return the original document that was deposited by the petitioner/surety after substituting the same with the certified copy of the sale deed as undertaken by the petitioner.

8. Accordingly, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Additional Metropolitan Magistrate,
Additional Metropolitan Magistrate Court,
Egmore.
2. The Superintendent of Customs,
Special Investigation and Intelligence Branch,
Customs House, Chennai - 600 001.
3. The Special Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Elayaraja, Advocate, Sr.No.31121

Cr1.O.P.No.29883 of 2019

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rr ii (06/10/2020)

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