

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl. O.P. No. 19956 of 2017

M.D.Suresh Kumar,
S/o.M.Dhandapani,
Plot No. 2041,
15th Main Road, Anna Nagar West,
Chennai - 600 040. ... Petitioner/ Petitioner

vs.

The State of Tamilnadu,
represented by the Inspector of Police,
EOW II/HG,
Chennai.
(Crime No.1066/1999) ... Respondent/ complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to direct the learned Chief Metropolitan Magistrate, Egmore, Chennai to locate and return the original sale deed dated 06.02.1995 registered as document No.587/95 which was produced by the petitioner at the time of execution of surety or in alternative this Hon'ble Court may direct the learned Chief Metropolitan Magistrate, Egmore to issue a certificate to the effect that the sale deed dated 06.02.1995 registered as document No.587/95 is misplaced so as to enable the petitioner to sell the property.

For Petitioner : Mr. Sunder Mohan
For Respondent : Mr. S.Karthikeyan
Additional Public Prosecutor.

ORDER

This petition has been filed seeking direction to direct the learned Chief Metropolitan Magistrate, Egmore, Chennai, to locate and return the original sale deed dated 06.02.1995 registered as document No.587/95 which was produced by the petitioner at the time of execution of surety or to issue a certificate to the effect that the sale deed dated 06.02.1995 registered as document No.587/95 is misplaced so as to enable the petitioner to sell the property.

2. It is seen that the petitioner's mother was charged for the offence under Section 420 IPC by the respondent Police in C.C. No.11457 of 2002 on the file of Chief Metropolitan Magistrate, Egmore, Chennai, pursuant to Crime No.1066/1999 and pending FIR, the mother of the petitioner was

granted anticipatory bail. While executing surety, the petitioner, being the son of the accused in Crime No. 106/19, deposited the sale deed as surety. After the petitioner's mother was discharged from the case, the petitioner filed a petition seeking discharge of bond and return of the original sale deed which was furnished as surety while granting anticipatory bail to his mother. On 17.12.2009, the learned Magistrate allowed the said petition and directed the registry to return the original documents which was produced while executing the surety. Unfortunately, the original documents are missing from the Court. Till today, it could not be traced out and could not able to return the documents to the petitioner. Hence, the petitioner filed the present petition before this Court seeking return of documents from the lower Court.

3. Considering the above circumstances, the Chief Metropolitan Magistrate, Egmore, Chennai, is directed to issue a certificate to the effect that the sale deed dated 06.02.1995, registered as document No.587/95 is misplaced so as to enable the petitioner to sell his property, forthwith.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bkn
To

1.The Inspector of Police,
EOW II/HG,
Chennai.

2.The Chief Metropolitan Magistrate,
Egmore, Chennai.

3.The Public Prosecutor,
High Court of Madras,
Madras.

Cr1. O.P. No. 19956 of 2017

A.SK(24/09/2020)