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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.OP.NO.16283/2021

R.Mani

..Petitioner

Versus

The Inspector of Police
CBI/ACB/Chennai,
III Floor, Shastri Bhavan
No.26, Haddows Road
Nungambakkam
Chennai 600 006.

..Respondent

Prayer:- Criminal Original Petition filed u/s.482 of Cr.P.C., to direct the respondent to return the Sale Deed dated 08.11.1996 bearing Doc.No.2420/1996 on the file of SR0-Rasipuram, Namakkal District seized by the respondent in CC.No.9/1999 on the file of the learned II Additional District Judge [CBI Cases], Coimbatore.

For Petitioner : Mr.S.Udhaya Kumar

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor
[CBI Cases]

ORDER

- (1) The present Criminal original petition has been filed seeking the return of document which is a Sale Deed dated 08.11.1996 registered as Doc.No.2420/1996 by the Sub Registrar, Rasipuram in Namakkal District. The said Sale Deed had been seized by the respondent/Inspector of Police, CBI/ACB/Chennai, with respect to the proceedings in CC.No.9/1999, trial of which took place in the Court of II Additional District Court/CBI Cases, Coimbatore.



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- (2) I am informed that the said document pertains to the son of the petitioner herein. The petitioner herein was arrayed as the 5th accused in the said Calendar Case. After trial, he had been acquitted of all charges vide judgment dated 31.07.2015.
- (3) Mr.K.Srinivasan, learned Special Public Prosecutor [CBI cases] very fairly stated that CBI has not preferred any appeal as against the said judgment of acquittal ; but, however, the co-accused who had been convicted had filed criminal appeals and they are pending on the file of this Court. It is also stated by the learned Special Public Prosecutor [CBI cases] that the said document under reference, had also not been marked during the course of trial. It had not been relied on by the prosecution. It is also informed that even before the Court of II Additional District Judge/CBI Cases, Coimbatore, the petitioner herein had filed CrI.MP.No.1747/2015, seeking the return of the very same document and the learned Judge, after considering the facts and circumstances, had directed the return of the said document, vide order dated 01.03.2016, but had imposed a condition that the petitioner herein should execute an own bond for a sum of Rs.2 Lakhs.
- (4) Those particulars have not been mentioned in the present Criminal Original Petition, seeking return of document. However, since they are facts on record, it is only evident that the learned Special Public Prosecutor [CBI cases] would bring them out for consideration of this Court.
- (5) Be that as it may, I presume that the petitioner herein does not want to execute own bond for Rs.2 lakhs and therefore, or for any other reason, had suppressed those facts before this Court. But, let me not hold it against the petitioner herein. Since the document has not been relied on by the prosecution, it would only be appropriate that it may be returned to the petitioner herein provided the petitioner provides an undertaking that if at all during the course of the hearing of the criminal appeals, the said document is referred to and if called upon, the petitioner should produce the original of the said document. For the present, let him substitute a certified copy of the said Sale Deed, viz., Doc.No.2420/1996 registered by the Sub Registrar, Rasipuram, Namakkal District, being a Sale Deed dated 08.11.1996 and also give an undertaking that he would produce the said document if is called upon by this Court during the hearing of the criminal appeals filed by the co-accused.



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(6) On providing proper identification and such undertaking by the petitioner herein and also on receipt of a copy of this order, the learned II Additional District Judge, Coimbatore, may return back the said document to the petitioner herein. The condition to execute own bond for Rs.2 Lakhs is interfered with, though it is not directly an issue herein.

(7) With the said observations, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

AP

To

1. The Inspector of Police
CBI/ACB/Chennai,
III Floor, Shastri Bhavan
No.26, Haddows Road
Nungambakkam
Chennai 600 006.
2. The II Additional District Judge [CBI Cases]
Coimbatore.
3. The Special Public Prosecutor, CBI Cases
High Court, Chennai.

+1cc to Mr.S.Udhaya Kumar, Advocate, S.R.No.46057

Cr1.OP.NO.16283/2021

LN(CO)
RLP(27/09/2021)