



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.790 of 2021

Ramjith Jacob

... Petitioner

Vs.

State rep. by
The Inspector of Police,
CBCID, Kancheepuram District.

... Respondent

PRAYER: The Criminal Revision Petition is filed under Section 397 & 401 of the Code of Criminal Procedure, to set aside the order dated 07.09.2021 in CMP No.482 of 2021, concerned with Crime No.1 of 2016 on the file of the respondent police and direct the return of the original sale deed dated 01.11.1999 registered as document number 3020 of 1999 before the SR Villivakkam.

For Petitioner : Ms.Lita Srinivasan

For Respondents : Mr.S.Sugendran
Government Advocate [Crl. Side]

O R D E R

This Criminal Revision Petition has been filed against the order dated 07.09.2021 in CMP No.482 of 2021, passed by the learned Judicial Magistrate I, Chengalpattu, dismissing the petition seeking for return of the property.

2. Learned Counsel appearing for the petitioner would submit that the respondent had registered a case against the petitioner in Crime No.1 of 2016 for the offences punishable under Section 420, 465, 467, 468 and 471 of Indian Penal Code on the complaint of one Dr.Elizabeth Rajan. The petitioner had applied for anticipatory bail before this Court in Crl.O.P.No.24806 of 2019 and this Court by its order dated 22.10.2019 granted anticipatory bail to the petitioner and one of the condition imposed was directing the petitioner to produce the original documents for property measuring 6960 sq.ft. in Shed No.A-3, Phase-I, Sidco Industrial Estate, Sidco Nagar, Villivakkam, bearing Survey No.249/3A1A/3B purchased by the petitioner as a



sole proprietor of Kavita Exports vide document registered as No.3020 of 1990 on the office of the SR Villivakkam.

3. Learned counsel for the petitioner would further submit that the petitioner in due compliance of the order passed by this Court, surrendered before the learned Judicial Magistrate No.I, Chengalpattu and executed sureties and also deposited the original title deeds before the concerned Court and the documents are still pending on the file of the concerned Court. Thereafter the respondent continued investigation and found that no case has been made out against the petitioner and has filed a report referring the case as mistake of fact and dropping further action. He would further submit that the documents which is now produced as security before the learned Judicial Magistrate No.I, Chengalpattu is not concerned with the case. Further, this Court, while granting bail, had also directed the learned Judicial Magistrate to apply his mind regarding the title of the property and also the valuation of the said property. He would further submit that the document which is now in the custody of the Court pertains to a industrial shed and the petitioner needs the document for other purposes. The petitioner thereby filed a petition seeking for return of property before the Trial Court in CrI.M.P.No. 482 of 2021.

4. Learned counsel for the petitioner would further submit that the Learned Judicial Magistrate No.I, Chengalpattu holding that a protest petition is pending in numbering stage, dismissed the petition. Learned counsel would further reiterate that the document which is now in the custody of the Court is not the property which is related to the case and there is no necessity for the learned Judge to hold the documents. The learned Judicial Magistrate without proper application of mind as to whether the documents which is now in the custody relates to the allegations in the First Information Report, wrongly had dismissed the application.

5. Learned Government Advocate Mr.S.Sugendran appearing for the respondent would submit that the case was registered during the year 2016. The petitioner had applied for anticipatory bail and the document was deposited into the Court pursuant to the direction passed by this Court. He would further submit that the document which has been deposited does not pertain to the case in Crime No.01/2016. But, the document was directed to be deposited as security only. He would further submit that the respondent has completed the investigation and has filed a final report as early as 28.12.2020. Notice was served on the defacto complainant and after nine months, the defacto complainant has filed a protest petition, which is now only in SR stage and on the last occasion, the defacto complainant also did not appear before the Court.



6. Heard the learned counsels on both sides and perused the material available on record.

7. The documents of the property which is deposited into the Court does not pertain to the property in the case in Crime No. 1 of 2016. The respondent has also completed the investigation and has referred the case as a mistake of fact and also filed a FAD report. This Court of the opinion that no useful purpose would be served by retaining the documents of the petitioner at this stage.

8. The revision stands allowed and the order dated 07.09.2021 in CMP No.482 of 2021 by the learned Magistrate stands set aside. Learned Judicial Magistrate No.I, Chengalpattu is directed to return the documents which has been deposited by the petitioner pursuant to the order of this Court in CrI. O.P.No.24806 of 2019 dated 22.10.2019.

9. With the above direction, the Criminal Revision Petition stands ordered.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri/rgi

To

1. Judicial Magistrate No.I,
Chengalpattu.
2. The Inspector of Police,
CBCID, Kanchepuram District..
3. The Public Prosecutor
Madras High Court
Chennai

+1cc to Ms.Lita Srinivasan, Advocate, S.R.No.60404

CrI.R.C.No.790 of 2021

NMI (CO)
CT 02/12/2021