



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.77 of 2021

Pugalenthir

.. Petitioner

Vs.

The Sub-Inspector of Police,
Central Crime Branch,
Madurai City.
Crime No.6 of 2020

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to set aside the order passed by the learned Judicial Magistrate No.I, Madurai, dated 23.10.2020, in Crl.M.P.No.1500 of 2020.

For Petitioner : Mr.P.Andiraj

For Respondent : Mrs.S.Bharathi

Government Advocate (Criminal side)

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate No.I, Madurai, in Crl.M.P.No.1500 of 2020, dated 23.10.2020.

2.The petitioner is the de-facto complainant in Crime No.6 of 2020 and the accused in that case cheated the petitioner by stating that they will mobilise Rs.50 Crores as loan. They obtained Rs.1.5 Crores by way of commission from the petitioner and they obtained 14 original property documents and cheque leaves from the petitioner. They failed to arrange the loan. The petitioner lodged a complaint before the respondent police and the same was registered as Crime No.6 of 2020. The documents were seized from the accused and they were produced before the trial Court. The petitioner filed a petition in Crl.M.P.No.1500 of 2020 for return of the original documents. The petition was dismissed by the learned Judicial Magistrate No.I, Madurai on 23.10.2020. Against the dismissal of the petition, the petitioner has approached this Court.

3.On the side of the petitioner, it is stated that the petitioner is the owner of the property. The petitioner has paid a huge sum of Rs.1.50 crores and handed over the documents. A property is worth more than hundred crores. If the documents are left in the custody of the Court, there is every possibility of missing of the documents. The documents or original property deeds. For safety purpose, the petitioner want to keep the documents in his custody. The petitioner undertakes to produce the original documents as and when required by the Court and at the time of trial



and prayed the documents to be returned to the petitioner.

4. On the side of the respondent, it is stated that the original documents are necessary to prove the case. The original documents are to be marked as exhibits during the trial. If the documents are returned to the petitioner, there is every possibility of alienating the property and hand overing the documents to the new purchasers and prayed the petition to be dismissed.

5. It is seen that the petitioner is the de-facto complainant. The documents involved is original title deeds. In the above circumstances for safety purpose, the documents are to be returned to the petitioner for interim custody till the disposal of the case. Hence, this Court is inclined to return the documents on the following conditions:-

(i) The petitioner has to replace the original documents with certified copies of the document;

(ii) The petitioner has to file an undertaking affidavit that he will not hand over the documents to anybody else;

(iii) The petitioner shall not pledge the documents or alienate the documents;

(iv) The petitioner shall produce the document at the time of trial and as and when required by the Court;

(v) The petitioner is further directed to execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Madurai.

6. With the above directions, the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.Judicial Magistrate No.I, Madurai.

2.The Sub-Inspector of Police,
Central Crime Branch,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.ANDIRAJ, Advocate (SR-7377[F] dated 25/02/2021)

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PM(CO)

KB(10.03.2021) 3P 5C