



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.6925 of 2021

IN

CRL OP(MD) No.5043 of 2021

ARUN BABU ... PETITIONER/Respondent/2nd Accused

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT,
(CRIME NO. 15/2019)... 1st RESPONDENT/1st RESPONDENT/COMPLAINANT

2 MOHANRAJ ... 2nd RESPONDENT/PETITIONER/DEFACTO COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to produce certified copy of the title deed instead of the original title document order passed in Crl.O.P. (MD) No. 5043 of 2021 dated 26.07.2021.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. MUNIYANDI.S, Advocate for the petitioner and of MR.P.KOTTAI CHAMY, Government Advocate (Criminal Side) for R1 and of Ms.L.Maithily for 2nd Respondent the court made the following order:-

This petition has been filed to modify the condition imposed vide order dated 26.07.2021, directing the petitioner to produce the the original title deed.

2.This Court in the order dated 26.07.2021, has issued the following direction:

"Considering the fact that final report has been filed in this case, this Court directs the second respondent to produce the original title deed as submitted earlier during the hearing in Crl.O.P(MD)No.3695 of 2020 within a period of 30 days from the date of receipt of a copy of this order before the concerned Court, failing such production, the bail granted to the second respondent in Crl.O.P(MD)No.3695 of 2020, on 05.12.2020 by the learned Judicial



Magistrate, Theni shall stand automatically cancelled. Then the learned Judicial Magistrate, Theni is directed to take steps to secure the second respondent and remand him into judicial custody for facing the trial."

3.The learned Counsel for the petitioner submitted that this Court directed the petitioner to produce the original title deed before the Court concerned and however, according to the learned Counsel for the petitioner, the particular property is under mortgage and therefore, he prayed for modification of the condition to that of producing certified copy of the title deed, instead of producing original title deed.

4.The learned Counsel for the defacto complainant strongly opposed this petition, on the ground that the petitioner having obtained bail from the learned Magistrate Court, did not comply with the condition and at the instance of the defacto complainant cancellation of bail petition was moved and subsequently, several orders have been passed by the Courts. Only after considering the over all facts and circumstances of the case, this Court has directed the petitioner to produce the original title deed. She further submitted that the petitioner has cheated the defacto complainant to the tune of rupee one crore.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.It is seen that this Court after having elaborately discussed the issue, has directed the petitioner to produce the original title deed within a stipulated time. This Court does not find any merit in this petition and therefore, this Court is not inclined to grant the relief as sought for.

7.In fine, this petition stands dismissed.

sd/-
15/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
THENI

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.6925 of 2021
IN
CRL OP (MD) No.5043 of 2021
Date :15/09/2021

TR/SKN/SAR-IV(22.09.2021) 3P 5C