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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.146 OF 2022

K.Bhoopalan

... Petitioner

Versus

1. S.Saravanakumar

... Respondent/
accused - 1

2. State by

The Inspector of Police,
Central Crime Branch,
Job Rocket Wing, Vepery,
Chennai.

Crime No.171 of 2019

... 2nd Respondent/
Complainant

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, against the order passed by the Learned Court of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai in CrI.M.P.No.17492 of 2021 dated 08.10.2021 and to set aside the same.

For Petitioner :	Mr.R.Thamarai Selvam
For R1 :	Mr.D.Prasanna Kumar
For R2 :	L.A.J.Selvam
	Government Advocate (CrI.Side)

O R D E R

The petitioner herein has entered into a sale agreement for the sale of his property with the first respondent, who has been arrayed as an accused in Crime No.171 of 2019, which is under investigation by the second respondent.

2.The learned counsel for the Revision Petitioner submitted that the first respondent was accused of an offence under Section 409, 420 r/w 34 IPC. In the course of the investigation, the Investigating Agency has seized the sale agreement from the possession of the first respondent.



3.The learned counsel for the Revision Petitioner submits that the petitioner is ready to deposit Rs.50,00,000/- (Rupees Fifty Lakhs only) which was received as part of the sale consideration from the first respondent, in leave of which, he requires that the sale agreement be returned to him.

4.Heard, the learned Government Advocate(Crl.Side) for the second respondent and Mr.D.Prasanna Kumar, learned counsel for the first respondent.

5.The learned counsel for the first respondent submitted that his client has no objection, whereas, the learned Government Advocate(Crl. Side) submitted as soon as the amounts are deposited as promised by the Revision petitioner, they will also report no objection and the document will be returned.

6.On a specific query, this Court is informed that the sale agreement dated 01.03.2019 is now in the custody of the Investigating Agency. The Investigating Agency is therefore, required to produce the same before the concerned Magistrate Court on or before 25.02.2022.

7.The Revision Petitioner is now required to deposit a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the credit of Crime No.171 of 2019 before the Trial Court. Upon receipt of the same, the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai is required to handover the document without any condition attached.

8.The learned counsel for the Revision petitioner also added that the Investigating Agency has given a notice to the concerned Sub Registry not to register any document creating any encumbrance over the property, which is the subject matter of the sale agreement dated 01.03.2019 between the Revision Petitioner and the first respondent. In view of this, if the Revision Petitioner and the first respondent go to cancel the sale agreement, the said instruction given by the first respondent to the concerned Sub Registry may become an impediment.

9.The learned Government Advocate on the instruction of the Investigating Authority who are present before the Court submitted that they would also intimate the concerned Sub Registry to permit the registration of any document of cancellation to be entered between the Revision Petitioner and the first respondent.

10.The said statement is also recorded.



11.It is to be underscored that the case pertains to Section 409 and 420 r/w 34 IPC and does not involve the property covered by the sale agreement, as it belongs to the Revision Petitioner herein.

12.The Criminal Revision Case is accordingly disposed of.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Job Rocket Wing, Vepery,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Prabakaran, Advocate, S.R.No.11767

Cr1.R.C.No.146 of 2022

VSN II(CO)
PM/23/02/2022