



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8788 of 2022

Abdul Khader,
S/o.Abdul Wahid

... Petitioner

Vs

1.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
T.Nagar,
Chennai.

2.The Assistant Commissioner of Customs
Prosecution Unit (Air),
New Customs House,
Chennai 600 027.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleaded to modify the condition that the petitioner to deposit the cash of Rs.10,00,000/- in the name of the petitioner before the Additional Chief Metropolitan Magistrate, E.O-II, Egmore, Chennai, instead of the petitioner directed to deposit cash Rs.10,00,000/- before the said Court. The Concerned Magistrate is at liberty to deposit the same in the Fixed Deposit in the name of the Court Account, imposed by the Hon'ble Principal Sessions Judge at Chennai in Crl.M.P.No.19260 of 2021 dated 15.11.2021.

For Petitioner : Mr.V.Janarthanan

For Respondents: Mr.N.P.Kumar,
Special Public Prosecutor

ORDER

The petition has been filed seeking to modify the condition that the petitioner to deposit the cash of Rs.10,00,000/- in the name of the petitioner before the Additional Chief Metropolitan Magistrate, E.O-II, Egmore, Chennai, instead of the petitioner directed to deposit cash Rs.10,00,000/- before the said Court. The Concerned Magistrate is at liberty to deposit the same in



the Fixed Deposit in the name of the Court Account, imposed by the Hon'ble Principal Sessions Judge at Chennai in Crl.M.P.No.19260 of 2021 dated 15.11.2021.

2. The learned counsel for the petitioner would submit that the petitioner is an accused in E.O.C.C.No.141 of 2019 in R.R.No.37 of 2018. The learned counsel for the petitioner would submit that the petitioner was arrested in connection with R.R.No.37 of 2018 in O.S.No.56 of 2019 INT - Air, on the file of the second respondent on 30.11.2018. The petitioner moved an application before the learned Principal Sessions Judge, Chennai in Crl.M.P.No.21834 of 2018 and the same was ordered on 21.12.2018, on condition that the petitioner shall deposit the title deeds worth Rs.10,00,000/- before the Trial Court. The petitioner also duly deposited the title deeds worth Rs.10,00,000/- and he was released on bail. Subsequently, the respondent also filed a complaint before the Court and it had been taken in E.O.C.C.No.141 of 2019, on the file of the Court of Additional Chief Metropolitan Magistrate, E.O.-II, Egmore, Chennai.

3. Since the deposited title documents were required for other purposes, the petitioner had filed Crl.M.P.No.19260 of 2021, before the Court of Principal Sessions Judge, seeking to modify the condition and permit the petitioner to deposit Rs.10,00,000/- in cash in lieu of the return of the title documents that are deposited before the Court. The Principal Sessions Judge by an order dated 15.11.2021, had allowed the petition and permitted the petitioner to deposit the cash of Rs.10,00,000/- before the Said Court and the concerned Magistrate was at liberty to deposit the same in the Fixed Deposit in the name of the Court Account. Further, on receipt of Rs.10,00,000/-, the Trial Court was also directed to hand over the deposited title documents to the petitioner. In due compliance of the order passed by the Principal Sessions Judge dated 15.11.2021, the petitioner appeared and filed a memo before the Court on 23.02.2022, giving description of the currency note including the serial number and denomination. The petitioner intended to deposit 400 notes of 2000 denomination worth Rs.8,00,000/- and 400 notes of 500 denomination notes worth Rs.2,00,000/-, totally Rs.10,00,000/-. Despite the memo being filed on 23.02.2022, the learned Magistrate has not passed orders on the same and returned the original documents.

4. Though the prayer has been for modification, the learned counsel for the petitioner confines his prayer only to a direction to be issued to the Judge concerned to accept the cash and dispose of the memo dated 23.12.2022. He would also submit that the original documents are necessarily needed for other purposes.



5. Mr.N.P.Kumar, learned Special Public Prosecutor appearing for the respondents would submit that originally the petitioner was directed to deposit the title document of an immovable property worth Rs.10,00,000/-. The petitioner has complied with the same and he was released on bail. Subsequently, the Session Court has modified the order and had permitted the petitioner to deposit Rs.10,00,000/- in live to the return of the title documents deposited before the Court.

6. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for the respondents and perused the pleadings and materials placed on record.

7. The Principal Sessions Judge by an order dated 15.11.2021, in CrI.M.P.No.19260 of 2021, had modified the condition and had permitted the petitioner to deposit the cash of Rs.10,00,000/- before the said Court in lieu of return of the deposited title documents. Now, a memo has been filed as early as on 23.02.2022. But however, no order has been passed till date.

8. In view of the above, there shall be a direction to the learned Additional Chief Metropolitan Magistrate, E.O.-II, Egmore, to comply with the order of the Principal Sessions Judge dated 15.11.2021 in CrI.M.P.No.19260 of 2021, within a period of one week from the date of receipt of a copy of this order.

9. With the above direction, this criminal original petition stands disposed of.

Sd/-
Assistant Registrar(CS V)

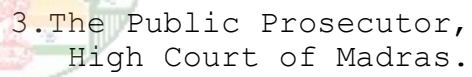
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Sub Assistant Registrar

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To

1.The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
T.Nagar,
Chennai.

2.The Assistant Commissioner of Customs
Prosecution Unit (Air),
New Customs House,
Chennai 600 027.



5.The Additional Chief Metropolitan Magistrate,
E.O-II, Egmore, Chennai-9.

Cr1.O.P.No.8788 of 2022

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