



Crl.O.P.No. 22169 of 2021

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V.BHARATHIDASAN, J.

This matter is taken up for hearing under the caption “For Being Mentioned” today.

2. Mr.K.Srinivasan, learned Special Public Prosecutor appearing for respondent submitted that, he has made submission regarding the merit of the case, in the order, inadvertently, it has been mentioned that he has no objection for releasing the document. The relevant portion in para 4 and 7 as follows :-

“4.....He further submitted that the CBI has no objection for returning the property documents to the petitioner.....”

“7. The petitioner has only stood as a guarantor to A2 and A3 and now he has settled the entire dues and redeemed the mortgage, further the respondent CBI and Canara Bank have also expressed their no objection in returning the said documents to the petitioner.”

Hence, he prayed that the above portions in para 4 and 7 may necessarily



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be deleted and a fresh order copy may be issued.

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3. Considering his submissions, the order is modified as follows

:-

Para-4 of the order shall be substituted as follows:

"4. Mr. K.Srinivasan, learned Special Public Prosecutor (CBI) appearing for the respondent would submit that the petitioner is not an accused in this case and he only stood as a guarantor for A2 and A3 and he has also paid the entire mortgage amount and redeemed the mortgage. He further submitted that since appeal is pending before this Court, the petitioner may be directed to substitute the original documents with certified copies and he may be further directed to produce the original documents as and when required during the appeal proceedings."

Para-7 of the order shall be substituted as follows:

"7. The petitioner has only stood as a guarantor to A2 and A3 and now he has settled the entire dues and redeemed the mortgage, and the Canara Bank has also expressed its no objection in returning the said documents to the petitioner."



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4. Registry is directed to incorporate above correction in the Order of this Court in Cr.O.P.No.22169 of 2021 dated 10.01.2022 and issue fresh order copy to both parties.

27.01.2022

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27.01.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.22169 of 2021

J.Sudhakar

.. Petitioner

Vs.

The Inspector of Police,
CBI/ACB/Chennai,
RC35/A/2005 and 36/A/2005
of CBI/ACB/Chennai.

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., seeking return of the documents marked as Ex.P.107 to 111 and Ex.P114 to 116 in C.C.No.6 of 2006 on the file of the learned II Additional District Judge (CBI Cases), Coimbatore.

For Petitioner : Mr.S.Veeraraghavan

For Respondent : Mr.K.Srinivasan,
Special P.P. (CBI)

For Canara Bank : Mr.K.Rajesh,
for T.S.Gopalan & Co



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ORDER

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This criminal original petition has been filed seeking to return the documents marked as Ex.P107 to P111 and Ex.P.114 to P116 in C.C.No.6 of 2006, on the file of the learned II Additional District Judge (CBI Cases), Coimbatore.

2. According to the petitioner, earlier one Mr.Pandiyaraj (A2) and his wife Mrs.Anithra Pandiyaraj (A3) have obtained loan from Canara Bank and the petitioner stood as guarantor for them and gave his properties as collateral security. Thereafter, finding that a fraud has been committed by A2 and A3 along with the Branch Manager, Canara Bank, a crime was registered against them and number of documents including petitioners original sale deed, given as a security were seized by the CBI. In the meantime, the petitioner approached the bank to redeem the properties which were given as collateral and redeemed the mortgage after paying the amount. After trial, trial Court convicted the accused and an appeal was filed against the said judgment in Crl.A.No.869 of 2019 before this Court and the same is pending. Now, seeking to return those documents this petition has been filed.



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3. Mr.S.Veeraraghavan, learned counsel appearing for the petitioner submitted that the petitioner was not an accused in the case and he has only stood as a guarantor, also redeemed the mortgage by paying the entire due amount to the bank, therefore there is no impediment to release the documents.

4. Mr.K.Srinivasan, learned Special Public Prosecutor (CBI) appearing for the respondent would submit that the petitioner is not an accused in this case and he only stood as a guarantor for A2 an A3 and he has also paid the entire mortgage amount and redeemed the mortgage. He further submitted that the CBI has no objection for returning the property documents to the petitioner. He further submitted that since appeal is pending before this Court, the petitioner may be directed to substitute the original documents with certified copies and he may be further directed to produce the original documents as and when required during the appeal proceedings.



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5. Mr.K.Rajesh, learned counsel appearing for the Canara Bank submitted that Canara Bank has no objection for returning the documents sought for by the petitioner herein and he further submitted that they have also filed a miscellaneous petition in Crl.M.P.No.11793 of 2021 in Crl.A.No.869 of 2019 seeking to return the documents.

6. I have considered the rival submissions and also perused the records carefully.

7. The petitioner has only stood as a guarantor to A2 and A3 and now he has settled the entire dues and redeemed the mortgage, further the respondent CBI and Canara Bank have also expressed their no objection in returning the said documents to the petitioner.

8. In the above circumstances, I am inclined to allow this petition and this petition is allowed. The trial Court is directed to return the original sale deeds marked as Ex.P.107 to P111 and Ex.P.114 to P116 in C.C.No.6 of 2006 to the petitioner herein. Considering the fact that criminal appeal is pending before this Court, the petitioner is directed to



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substitute the original documents with certified copies and he is also further directed to produce the original documents as and when required by this Court.

10.01.2022

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To

1. The II Additional District Judge (CBI Cases),
Coimbatore.
2. The Inspector of Police,
CBI/ACB/Chennai,
RC35/A/2005 and 36/A/2005
of CBI/ACB/Chennai.



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