



Crl.O.P.No. 22181 of 2021

Crl.O.P.No.22181 of 2021

WEB COPY

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 is only a bona fide auction purchaser and he is stated to have paid the entire sale amount, 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 be deleted and a fresh order copy may be issued.



Crl.O.P.No. 22181 of 2021

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 is only a bona fide auction purchaser and he has also paid the entire sale consideration. 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 is only a bona fide auction purchaser and he is stated to have paid the entire sale amount, and the Canara Bank has also expressed its no objection in returning the said documents to the petitioner."



CrI.O.P.No. 22181 of 2021

WEB COPY

4. Registry is directed to incorporate above correction in the Order of this Court in Cr.O.P.No.22181 of 2021 dated 10.01.2022 and issue fresh order copy to both parties.

27.01.2022

rpp



WEB COPY



Crl.O.P.No. 22181 of 2021

V.BHARATHIDASAN, J.

rpp

Crl.O.P.No. 22181 of 2021

27.01.2022



WEB COPY



CrI.O.P.No. 22181 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.22181 of 2021

P.Sethumani

.. 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.117 and Ex.P118 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

ORDER



Crl.O.P.No. 22181 of 2021

WEB COPY

This criminal original petition has been filed seeking to return the documents marked as Ex.P117 and Ex.P.118 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, pursuant to the proceedings initiated under the SARFAESI Act, some properties were brought for sale by the Canara Bank, Coimbatore branch and the petitioner has participated in the said auction and purchased the properties and he has also paid the entire sale consideration. Subsequently, he came to know that the properties have been involved in a criminal case and the original documents were seized by the CBI in connection with the above said criminal case. During trial, the documents were marked as Ex.P117 and P118. Subsequently, he came to know that after trial, the 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. According to the petitioner, since the petitioner is only a bona fide auction purchaser and he also paid the entire amount, the original documents has to be returned to him.



Crl.O.P.No. 22181 of 2021

WEB COPY

3. Mr.S.Veeraraghavan, learned counsel appearing for the petitioner submitted that the petitioner was not an accused in the case and he is only a bona fide auction purchaser and has paid the entire sale amount and 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 is only a bona fide auction purchaser and he has also paid the entire sale consideration. 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.

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.O.P.No. 22181 of 2021

Crl.A.No.869 of 2019 seeking to return the documents.

WEB COPY

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

7. The petitioner is only a bona fide auction purchaser and he is stated to have paid the entire sale amount, 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.117 and Ex.P.118 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 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

kk

To



Crl.O.P.No. 22181 of 2021

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.



WEB COPY



Crl.O.P.No. 22181 of 2021

V.BHARATHIDASAN, J.

kk

Crl.O.P.No.22181 of 2021

10.01.2022