



Crl.O.P.No.8422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8422 of 2023

and

Crl.M.P.No.14602 of 2023

The State rep.by
The Inspector of Police,
District Crime Branch,
Tiruvarur District.
Crime No.03/2018

.. Petitioner

/versus/

Chitra

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the order dated 10.01.2023 passed by the learned Judicial Magistrate, Tiruvaur, refusing to remand the accused in Crime No.03/2018 District Crime Branch, Tiruvarur and discharged her under Section 59 of the Cr.P.C, with conditions.

For Petitioner :Mr.S.Udaya Kumar

For Respondent :Mr.S.Arivazhagan



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ORDER

Criminal Original Petition filed by the State, being aggrieved by the order passed by the learned Judicial Magistrate under Section 59 of Cr.P.C, when the suspected accused arrested and produced before the Judicial Magistrate for remand.

2. The learned Government Advocate (Crl.Side) appearing for the State submitted that in Crime No.03 of 2018, the accused Chitra was arrested on 10.01.2023 and produced before the Judicial Magistrate at 10.00 p.m., for judicial remand. The Magistrate, after considering the materials placed, instead of remanding her, recording that the arrest of the accused Chitra does not fall within the guidelines issued by the Hon'ble Supreme Court in *Arnesh Kumar v. State of Bihar reported [(2014)8 SCC 273]* and released the accused on condition that she should report before the District Crime Branch daily at 10.00 a.m., until further orders, should co-operate with the investigation and within 15 days she should furnish two sureties for Rs.25,000/- each. According to the learned Government Advocate (Crl.Side), the accused is arrayed as A7 in Crime No.03 of 2018 for the offences under Sections 120-B, 419, 468, 471, 420 and 506(i) of IPC.



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3. It is the case of land grabbing and also abatement to commit suicide. 12 accused were involved in this case. The accused Chitra, who is arrayed as A7 had committed for forging the documents and registration of forged documents by impersonation. She is the prime accused and played vital role in impersonation of one Roselin Sahayarani and also involved in the forgery of death certificate of one Gnanambal. The forged document found in the possession of the accused. Therefore, it is necessary to take her under custodial interrogation and remand her to the judicial custody.

4. This Court, after considering the submissions made by the learned Government Advocate (crl.side) as well as the learned counsel appearing for the respondent and the learned counsel appearing for the defacto complainant, finds that on the date of producing the accused before the Judicial Magistrate, *prima facie* satisfaction, the Magistrate has rightly refused to remand her but released her on certain conditions.

5. The learned Government Advocate (Crl.Side) submits that though she regularly appeared before the District Crime Branch, till the condition was



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modified. She did not fully co-operate with the investigation, particularly, she has not produced the document, which is the subject matter of forgery and impersonation.

6. The learned counsel appearing for the defacto complainant submits that after arrest by the police and released by the Judicial Magistrate on 10.01.2023, A7-Chitra had mortgaged the property and raised the loan and that is the reason why she could not produce the document to the Investigating Officer when she called for the documents. If the said allegation is true, it is open to the petitioner-police to approach the Judicial Magistrate and report about the tempering of evidence/non-co-operation with the investigation. On such report, the Judicial Magistrate shall pass appropriate orders.

7. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

17.10.2023

Index:yes/no
Speaking order/non speaking order
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To:

- 1.The Judicial Magistrate, Tiruvarur.
- 3.The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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