



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Third day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.727 of 2023

IN

CRL OP(MD) No.12376 of 2022

A.PALANIAPPAN

... PETITIONER/PETITIONER/PETITIONER

Vs

1 STATE REP.BY

THE INSPECTOR OF POLICE
ALAGGAPAPURM POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT

2 THE SECRETARY

ALAGAPPA CHETTIAR EDUCATIONAL TRUST,
ALAGAPPAPURAM, KARAIKUDI,
SIVAGANGAI DISTRICT

... RESPONDENTS/RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the order dated 26.10.2022 in Crl.MP(MD)No.11819 of 2022, thereby directing the learned Principal District Munsif cum Judicial Magistrate, Karaikudi to release one document dated 09.11.2012 in Doc.No.2493 of 2012 on the file of No.1 Joint Sub Registrar, Karaikudi and permit the petitioner to sell the same.

Prayer in CRL OP(MD). 12376/ 2022 :

To set aside the order dt. 27/04/2022 made in Crl.M.P.No.1462 of 2022 on the file of the Learned Principal Sessions Judge, Sivagangai and direct to return the title deeds deposited by the petitioner before the Principal District Munsif Cum Judicial Magistrate, Karaikudi in connection with Crime No. 8 of 2017 on the file respondent police pursuant to the orders made in Crl MP No. 1861 of 2017 on the file of the Learned Sessions Judge, Sivagangai and consequently allow the present Criminal Original Petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PRABA SHAMILA JEEVA, Advocate for ANANDKUMAR.J, Advocate for the petitioner and of MR.M.VEERANTHIRAN, Government Advocate (Crl.Side) on behalf of the 1st Respondent, the court made

<https://www.courtindia.org> where the following order:-

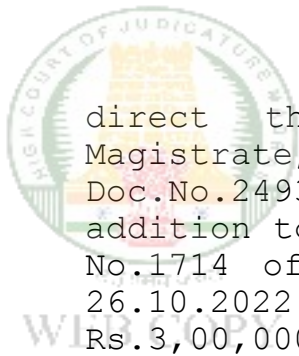


This petition has been filed to modify the order by this Court, dated 26.10.2022 in Crl.M.P.(MD)No.11819 of 2022 and consequently to direct the learned Principal District Munsif cum Judicial Magistrate, Karaikudi to release the document in Doc.No.2493 of 2012 on the file of the Joint Sub Registrar No.1, Karaikudi, dated 09.11.2012 and permit the petitioner to sell the same.

2.The learned counsel for the petitioner would submit that the respondent police has registered a case in Crime No.8 of 2017 against the petitioner for the offences punishable under Sections 420, 406, 408, 467, 468, 471, 120(B), 506(i) and 511 of IPC. The petitioner has filed an application for bail in Crl.M.P.No.1861 of 2017 before the learned Sessions Judge, Sivagangai and the learned Sessions Judge, while granting bail to the petitioner, had directed the petitioner to deposit original title deeds of the following documents to the credit of Crime No.8 of 2017 before the learned District Munsif cum Judicial Magistrate, Karaikudi:-

SI.No.	Date	Document No
1.	16.09.2009	1714/2009 on the file of No.1 Joint Sub Registrar, Karaikudi
2.	16.09.2009	1715/2009 on the file of No.1 Joint Sub Registrar, Karaikudi
3.	09.11.2012	2493/2012 on the file of No.1, Joint Sub Registrar, Karaikudi

Later, due to the intervention of Covid-19 pandemic, the petitioner's business come to a grinding halt and thereby, the petitioner faces huge financial constraint and he was not even in a position to meet the educational expenditure of his children and the day to day business expenditure and thereby, the petitioner had preferred a petition in Crl.M.P.No.1462 of 2022 before the learned Sessions Judge, Sivagangai seeking for modification of condition and to return the original title deeds deposited. The said petition was dismissed by order dated 27.04.2022. Against which, the petitioner had preferred a petition in Crl.O.P.(MD)No.12376 of 2022 before this Court and this Court, after hearing the matter at a considerable length, was pleased to direct the petitioner to file an affidavit of undertaking that the title holder will utilise the said deeds only for the purpose of generating money by means of mortgaging and thereby, an affidavit of undertaking was filed by the petitioner. Based on the same, this Court by order dated 01.09.2022 directed the learned District Munsif cum Judicial Magistrate, Karaikudi to return the document No.1714 of 2019 on the file of No.1 Joint Sub Registrar, Karaikudi, dated 16.09.2019 to the petitioner. The value of the property was less and the petitioner was unable to generate money utilizing the said document by mortgaging. Thereby, the petitioner had filed a petition in Crl.M.P.(MD)No.11819 of 2022 in Crl.O.P.(MD)No.12376 of 2022 before this Court seeking orders to



direct the learned Principal District Munsif cum Judicial Magistrate, Karaikudi to return one more document bearing Doc.No.2493/2012 on the file No.1, Joint Sub Registrar, Karaikudi in addition to the earlier order of return of one document in Document No.1714 of 2022, dated 16.09.2009 and this Court by order dated 26.10.2022 had directed the petitioner to deposit a sum of Rs.3,00,000/- to the credit of Crime No.8 of 2017 and on receipt of the same, the Judicial Magistrate, Karaikudi was directed to hand over the sale deed ie., Document No.3, Document No.2493/2012, on the file of No.1 Joint Sub Registrar, Karaikudi, dated 09.11.2022 to the petitioner and also directed the petitioner to mortgage the said property in question, if needed and he shall not sell the property at any point of time. The learned counsel for the petitioner would further submit that the petitioner had attempted to mortgage the said property and found that a large sum of Rs.70,000/- is required to be paid as an interest in the event of the property being mortgaged. Hence, the petitioner has decided to sell the property and send his son for studies abroad. She would further submit that even if the petitioner is permitted to sell the property under Document No.2493 of 2012 on the file of No.1 Joint Sub Registrar, Karaikudi, the other two documents will satisfy the conditions as required by this Court and thereby, the present petition has been filed seeking a direction to return Document No.2493 of 2012 on the file of No.1 Joint Sub Registrar, Karaikudi and permit the petitioner to sell the property.

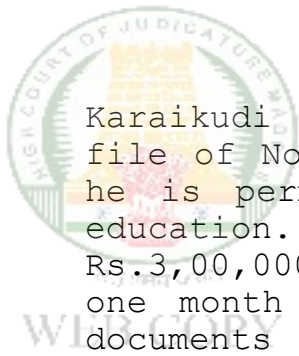
3.The learned counsel would further submit that the other two properties which are relating to Document No.1714 of 2009 and 1715 of 2009, dated 16.09.2009 on the file of No.1 Joint Sub Registrar, Karaikudi will be more than Rs.1,24,52,700/- and she would also seek that the direction to deposit a sum of Rs.3,00,000/- to the credit of Crime No.8 of 2017 may also be modified. She would also submit that the petitioner has filed separate valuation certificate issued by a private valuer and the value of the property under Document No.1714 of 2009 is Rs.64,27,200/- and the value of the property under Document No.1715 is Rs.60,25,500/-, and thereby, she would seek for return of Document No.2493 of 2012 and permit to sell the property.

4.Heard. Perused the materials available on record.

5.The petitioner has been granted bail by directing to deposit three documents. Now, the petitioner had sought for return of one document for selling it and raise funds for sending his son for abroad studies. It is his case that if one property is permitted to be sold, there are two other properties which will satisfy sureties.

6.Taking into consideration the submissions, the condition in Crl.M.P.No.11819 of 2022, dated 26.10.2022 is modified to the effect

https://www.tamilnaduhighcourt.org/learned Principal District Munsif cum Judicial Magistrate,



Karaikudi shall return the Document bearing No.2493 of 2017 to the file of No.1 Joint Sub Registrar, Karaikudi, to the petitioner and he is permitted to sell the same to raise funds for his son's education. Thereafter, the petitioner shall deposit a sum of Rs.3,00,000/- to the credit of Crime No.8 of 2017 within a period of one month from the date of sale of the property. The other two documents viz Document No. 1714 & 1715/2009 shall be retained by the learned Principal District Munsif cum Judicial Magistrate, Karaikudi.

7.This Criminal Miscellaneous Petition is ordered accordingly.
sd/-

03/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
SIVAGANGAI.
- 2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KARAISKUDI.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 4 THE SESSIONS JUDGE,
SIVAGANGAI.
- 5 THE INSPECTOR OF POLICE
ALAGGAPAPURM POLICE STATION, KARAISKUDI,
SIVAGANGAI DISTRICT
- 6 THE JOINT SUB REGISTRAR No.1, KARAISKUDI
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. ANANDKUMAR.J Advocate SR.No.13047(F)

ORDER
IN
CRL MP(MD) No.727 of 2023
IN
CRL OP(MD) No.12376 of 2022
Date :03/03/2023

PKP/BUC/SAR-3/17.03.2023/ 4P/ 9C

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