



CRL MP(MD) No.16307 of 2023

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

Monday, the Twentieth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.SUNDAR
and
The Hon`ble Mr.Justice R.SAKTHIVEL

CRL MP(MD) No.16307 of 2023
IN
CRL A(MD) No.390 of 2023

R.CHINNA ALAGU @ NALLIAPPAN

... PETITIONER/PETITIONER/
APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
CRIME NO. 295 OF 2016

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition imposed upon the petitioner by the order dt. 03.10.2023 in Crl M.P (MD) No. 7420 of 2023 and thereby permit the petitioner to deposit the registered sale deed dt. 15.05.2000 stands in the name of petitioners father along with the house tax receipt stands in his name before the learned trial court namey learned Additional District and Sessions Judge, Dindigul in Sessions Case No.304 of 2018.

Prayer in CRL A(MD) No.390 of 2023 :

To call for the records pertaining to the Sessions Case in S.C.No.304 of 2018 on the file of the Additional District and Sessions Judge, Dindigul dated 06.04.2023 and to acquit the appellant/accused from all the charges.



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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.M. ARUMUGAM, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

[Order of the Court was made by R.SAKTHIVEL, J.,]

This petition is filed by the petitioner praying to modify the condition imposed by this Court upon the petitioner vide order dated 03.10.2023 in CRL.M.P.[MD] No.7420 of 2023 in CRL.A.[MD]No.390 of 2023 and thereby permit the petitioner to deposit the registered Sale Deed dated 15.05.2000 which stands in the name of the petitioner's father along with house tax receipt stands in the petitioner's name before the Additional District and Sessions Court, Dindigul [henceforth, referred to as 'Trial Court'] in S.C.No.304 of 2018.

2. Heard the learned Counsel for the petitioner. At the time of hearing the application in CRL.M.P.[MD]No.7420 of 2023, learned Counsel for the petitioner on instructions submitted that the petitioner owns landed property to an extent of 2.50 acres and the said land fetch more than one lakh rupees in market and the petitioner is ready to produce the Title Deed if the Court orders to be produced. Considering the said submissions made by the petitioner, this Court has imposed Condition No. (ii) in paragraph No.10 of the said order, upon the petitioner which reads as follows:

'(ii) Petitioner shall deposit his original title deed(s)



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pertaining to his immovable property. The property covered under the title deed shall have market value of not less than Rs.1,00,000/- (Rupees One Lakh Only) as on today;'

3. Today, learned Counsel for the petitioner submitted that as of now, the petitioner does not have title deed pertaining to the said landed property. He further submitted that the petitioner owns a house property in his village in Survey No.23/1 vide Patta No.899 at Velampatti Village, Natham Taluk, Dindigul District. The said property was purchased by the petitioner's father through registered Sale Deed dated 15.05.2000 and house tax is being levied in the petitioner's name. Further, he submitted that the petitioner's father passed away on 22.08.2017 leaving behind the petitioner's mother, petitioner's brothers and the petitioner as his legal heirs. He further submitted that the petitioner and his brothers constructed residential houses separately in the land covered in Sale Deed dated 15.05.2000. He further submitted that all the legal heirs of the petitioner's father are ready to file 'Consent Affidavit' to deposit the Title Deed dated 15.05.2000 for standing as a 'Solvent Surety'. Further, he submitted that the petitioner's mother is age-old, hence she has some difficulties to appear before the Trial Court. Hence, he prayed to order dispense with the physical appearance of the petitioner's mother before the Trial Court. Accordingly, learned Counsel prayed to modify Condition No.(ii) in paragraph No.10 alone of the order



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dated 03.10.2023 passed in CRL.M.P.[MD]No.7420 of 2023 in CRL.A.[MD]No.390 of 2023.

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4.Learned Additional Public Prosecutor accepts notice for the respondents. Considering the nature of the prayer sought for by the petitioner, learned Additional Public Prosecutor does not have much to say.

5. This Court has considered the submissions of the learned Counsel for the petitioner. In view of the said submission made by the learned Counsel for the petitioner, this Court is inclined to allow this petition. Accordingly, this petition is allowed and Condition No.(ii) in paragraph No.10 is alone modified as follows:

'The petitioner shall deposit original Sale Deed dated 15.05.2000 [Document No.1474/2000 – Natham SRO] which stands in the name of A.Raman. The learned Sessions Judge shall accept the same irrespective of its market value. The petitioner shall file a 'Consent Affidavit' of the other co-owners. Physical appearance of the petitioner's mother, i.e. Natchammal before the learned Sessions Judge, is ordered to be dispensed with at the time of recording 'Consent Affidavit;'

6. As far as other conditions imposed upon the petitioner in the order dated



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03.10.2023 passed in CRL.M.P.[MD]No.7420 of 2023 in CRL.A.[MD]No.390 of 2023

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are concerned, they shall hold good and continue to operate.

sd/-
20/11/2023

/ TRUE COPY /

29/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MR/JEN
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.

2 THE INSPECTOR OF POLICE, NATHAM POLICE STATION, NATHAM.

3 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

1 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
CRIMINAL RECORDS,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

(The Registry is directed to return the original Surety Papers to the learned counsel for the petitioner so as to enable him to re-submit the same before the Trial Court.)



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+1. C.C. to C.M. ARUMUGAM Advocate SR.No.52566 (F)

ORDER
IN
CRL MP(MD) No.16307 of 2023
IN
CRL A(MD) No.390 of 2023
Date :20/11/2023

SA/SAR. /29.11.2023/6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.