



WEB COPY

Crl.MP.No.17896 of 2024 in Crl.O.P.No.29618 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.03.2025

PRONOUNCED ON : 17.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO. 17896 of 2024

AND

CRL OP NO. 29618 OF 2017

Ashok Kumar
S/o.Champalal Jain, No.7, Adiappa Naicken
Street, Sowcarpet, Chennai-79.

Appellant(s)

Vs

The Senior Intelligence Officer
Customs House Special Intelligence And
Investigation Branch No.60, Rajajai Salai,
Chennai-600001

Respondent(s)

CRL OP NO. 29618 of 2017

Ashok Kumar, (age 40 Years)
S/o.Champalal Jain, No.7, Adiappa Naicken
Street, Sowcarpet, Chennai-79.

Petitioner(s)

Vs

Senior Intelligence Officer
Special Intelligence And Investigation Branch,
Customs House, No.60, Rajaji Salai, Chennai-
600 001.R.R.No.21 Of 2017.

Respondent(s)

CRL MP NO. 17896 of 2024

Prayer: To Modify the order passed in Crl.OP.No.29618 of 2017 dated 05.01.2018 by this Court at para 8 of the order to the extent of directing the petitioner to deposit documents of title deeds of immovable properties worth about Rs.25 Lakhs to the satisfaction of the Court.

For Appellant(s):

<https://www.mhc.tn.gov.in/judis>



S.Baskaran
R.Yuvaraj

For Respondent(s):

Mr.N.P.Kumar Special Public Prosecutor For
Customs

CRL OP NO. 29618 of 2017

For Petitioner(s):

M/s.B.Satish Sundar
S.Krishnanandh
N.Balaji
V.Santharam

For Respondent(s): Mr.N.P.Kumar
Special Public Prosecutor For Customs

ORDER

The Criminal Miscellaneous Petition seeks modification of the condition at paragraph No.8 of the order dated 05.01.2018 made in Crl.OP.No.29618 of 2017, directing the petitioner to deposit the documents of title deeds of immovable property worth Rs.25 Lakhs to the satisfaction of the learned Magistrate concerned.

2. (i) The learned counsel for the petitioner submitted that the allegation was that the petitioner along with others were involved in evasion of tax to the tune of Rs.2.5 Crores; that when he was granted bail by this Court he was ordered to deposit title deeds worth Rs. 25 Lakhs in the trial Court; that the Adjudicating Authority has now based on the



WEB COPY

involvement of the petitioner imposed a penalty of Rs.5 Lakhs on the petitioner under Section 112(b) of the Customs Act, 1962; that the petitioner had deposited the title deeds of his relative who needs the property and is unable to sell the property because of the aforesaid condition and is put to untold hardship; and that his relative who stood as surety and deposited the title deeds is pressurising the petitioner to return of the documents.

(ii) The learned counsel further submitted that the trial is yet to commence; that the documents are lying in the custody of the Court for nearly 7 $\frac{3}{4}$ years; and that the respondent has not filed any complaint or final report so far.

3. The learned Special Public Prosecutor, opposed the petition for modification and submitted that the respondent has to recover the penalty of Rs.5 lakhs from the petitioner, if the appeal filed by the petitioner against the order of the Adjudicating Authority, is dismissed.

4. The respondent has not filed the complaint before the trial Court so far. The Adjudicating Authority has now imposed a penalty of Rs.5 Lakhs on the petitioner. The property documents filed by the petitioner

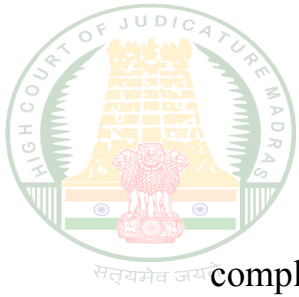


CrI.MP.No.17896 of 2024 in CrI.O.P.No.29618 of 2017



is in the custody of the Court for the past 7 $\frac{3}{4}$ years. The above facts are not disputed.

WEB COPY



WEB COPY

5. Considering the aforesaid change in circumstances and since the complaint is yet to be filed by the respondent before the trial Court, this Court is of the view that the property documents cannot be retained for an indefinite period. Therefore, the learned Additional Metropolitan Magistrate (E.O.II), Allikulam, Chennai, is directed to return the property documents deposited by the petitioner. The condition at paragraph No.8 of the order dated 05.01.2018 made in Crl.OP.No.29618 of 2017, is modified accordingly. The other conditions imposed in the aforesaid order shall remain unaltered.

6. The Criminal Miscellaneous Petition is disposed of, in the above terms.

17.03.2025

ars



Crl.MP.No.17896 of 2024 in Crl.O.P.No.29618 of 2017



SUNDER MOHAN, J.

ars

WEB COPY

To

1. The Senior Intelligence Officer
Special Intelligence And Investigation Branch,
Customs House, No.60, Rajaji Salai, Chennai-600
001.R.R.No.21 Of 2017.

2. The Additional Metropolitan Magistrate (E.O.II),
Allikulam, Chennai.

3. The Public Prosecutor,
High Court, Madras.

Pre-delivery order in
Crl.MP.No.17896 of 2024
in Crl.O.P.No.29618 of 2017



WEB COPY

Crl.MP.No.17896 of 2024 in Crl.O.P.No.29618 of 2017



17.03.2025