

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.14115 of 2015

and

M.P.No.1 of 2015

V.R.Prakash Petitioner

Vs

State rep. by
Station House Officer,
R.P.F. Chengalpet. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the judgment dated 04.03.2015 passed in Crl.R.P.58 of 2014 on the file of the Principal District Judge, Villupuram confirming the order dated 06.08.2014 made in Crl.M.P.No.5055 of 2014 on the file of the Judicial Magistrate No.I, Villupuram and release the vehicle JCB bearing No.PY 01 AC 0932 and lorry bearing No.TN 31 E 9109.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to set aside the judgment dated 04.03.2015 passed in Crl.R.P.59 of 2014 on the file of the Principal District Judge, Villupuram confirming the order dated 06.08.2014 made in Crl.M.P.No.5055 of 2014 on the file of the Judicial Magistrate No.I, Villupuram and release the vehicle JCB bearing No.PY 01 AC 0932 and lorry bearing No.TN 31 E 9109.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is seen that the petitioner is involved in an offence under Section 3(a) of Railway Property Unlawful Possession Act 1966 and during the course of investigation in Crime No.1 of 2013, the respondent has seized the JCB and lorry belonging to the petitioner. The petitioner had filed a petition under Section 451 of Cr.P.C., for return of the lorry and JCB before the Judicial Magistrate I, Villupuram in Crl.M.P.No.5055 of 2014 and the same was dismissed by the learned Judicial Magistrate on 06.08.2014.

Aggrieved by the order, the petitioner approached the Principal Sessions Court, Villupuram in Criminal Revision Petition No.59 of 2014 and the same was also dismissed by the Sessions Court on 04.03.2015.

4. Aggrieved by the orders passed by the Courts below, the petitioner has approached this Court for setting aside the same. Under Section 397(3) of the Cr.P.C., once a party has invoked the revisional jurisdiction of the Sessions Court, he is precluded from approaching the High Court by way of revision. The Hon'ble Supreme Court has held that under extra-ordinary circumstances only the inherent power under Section 482 of Cr.P.C., can be invoked.

6. On a reading of the orders of the Courts below, this Court finds that the orders passed by the Courts below do not suffer serious infirmity, in as much as the properties in question, are liable for forfeiture under Section 13 of RP(UP) Act 1966. Therefore, it is not a fit case, in which this Court could interfere in the orders passed by the Court below under Section 482 of Cr.P.C.,

5. With the above observation, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Principal District Judge, Villupuram.

2. The Judicial Magistrate No.I, Villupuram.

3. The Station House Officer,
R.P.F. Chengalpet.

1 cc to M/s. R. Bharath Kumar, Advocate Sr.28385

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MP (CO)

Eu 24.06.15