

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Cr1.O.P.No.1424 of 2015

Valeeswaran

... Petitioner (Complainant)

Vs.

1. The Inspector of Police,
District Crime Branch (ALGSC)
(Land Grabbing Special Cell)
Salem, Salem District.
(Crime No.38 / 2014)

2. Sakthivel ... Respondents 1 & 2/Respondent/Accused

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for entire records insofar it relates to the order passed in unnumbered C.M.P.of 2014, dated 13.11.2014 on the file of the Judicial Magistrate/Special Court for Land Grabbing Cases, Salem pertaining to a case in Cr.No.38 of 2014 on the file of the Inspector of Police, District Crime Branch (ALGSC) (Land Grabbing Special Cell) Salem, Salem District and to set aside the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.M.Maharaja,
Additional Public Prosecutor
for R1

ORDER

This Criminal Original Petition is filed challenging the order, dated 13.11.2014, passed by the learned Judicial Magistrate/Special Court for Land Grabbing Cases, Salem in unnumbered C.M.P.of 2014.

2. The petitioner herein is the de facto complainant, who lodged the complaint against the second respondent in Crime No.38 of 2014, on the file of the first respondent/police, and pursuant to the said complaint, the first respondent/Police arrested the second respondent and when the second respondent/accused was produced for remand before the Special Judicial Magistrate for Land Grabbing Cases, Salem, the learned Magistrate passed an order, dated 13.11.2014, to the effect that, since the property belonged to the second respondent/accused ancestrally, and considering civil suits are pending between him and the petitioner, he is not inclined to remand the accused and directed the accused to appear before him on every Friday until further orders. Challenging the said order, the present Criminal Original Petition is filed, as stated supra.

3. The only contention put forth by the learned counsel appearing for the petitioner is that when the accused is produced before the Magistrate for remand, even assuming that no case is made out against the accused for remanding him, the learned Magistrate is expected to pass orders on merits. Further, the learned Magistrate also directed the accused to appear before the Court on every Friday. Hence, the order impugned herein is liable to be set aside.

4. On the aforesaid submission, heard the learned Additional Public Prosecutor for the first respondent/Police.

5. I am unable to contention of the learned counsel for the petitioner. In the order passed by the learned Magistrate, he has not rendered any findings regarding the merits of the case, and he has only stated that the property belongs to the accused ancestrally and considering civil suits are pending between the parties, and hence, he is not inclined to remand the accused, though no order has been passed on merits. Though the Magistrate was not inclined to remand the accused, he did not discharge the accused and in the interest of justice, the accused was directed to appear before the Court on Friday. Hence, I do not find any merits in this Petition.

6. In the result, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

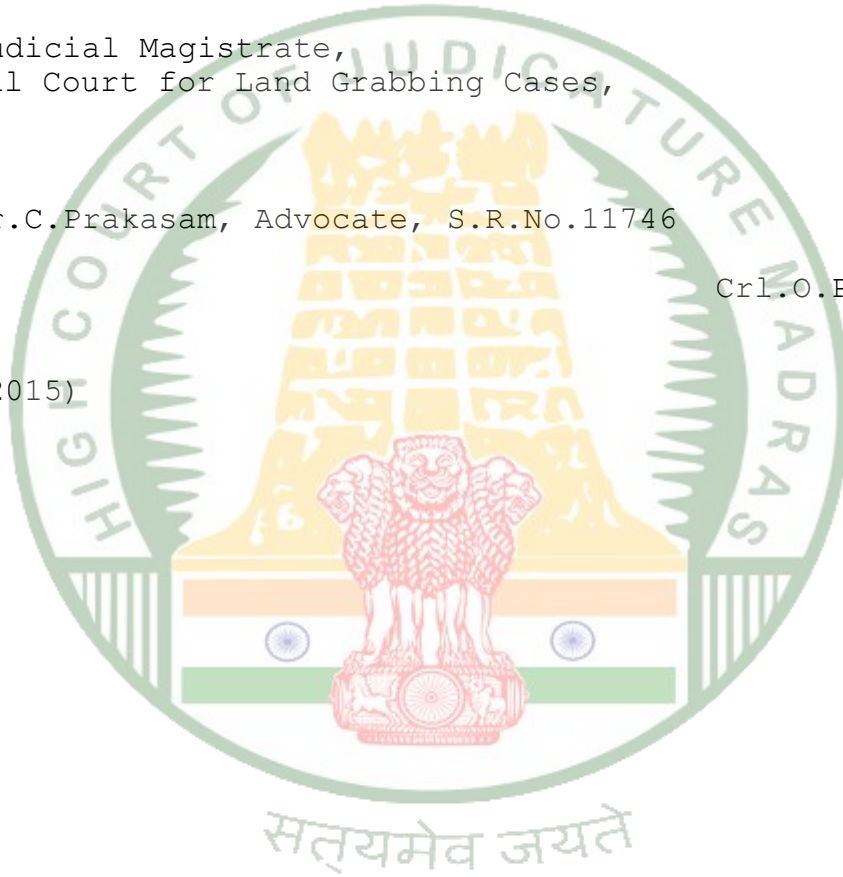
To

1. The Inspector of Police,
District Crime Branch (ALGSC)
(Land Grabbing Special Cell)
Salem, Salem District.
(Crime No.38 / 2014)
2. The Public Prosecutor,
High Court,
Madras.
3. The Judicial Magistrate,
Special Court for Land Grabbing Cases,
Salem

+lcc to Mr.C.Prakasam, Advocate, S.R.No.11746

Crl.O.P.No.1424 of 2015

PVR(CO)
CA(27/05/2015)



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