

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09-09-2015

CORAM:

THE HONOURABLE MR. JUSTICE A. SELVAM

Crl.R.C.No.769 of 2011
and M.P.No.1 of 2011

1. Durai Samy
 2. Maruthapandian
 3. Rangasamy
 4. Kandavelu
 5. Jothi
 6. G. Venkatesan
 7. Mani
 8. Dhanavel
 9. Anjapuli
 10. Ramdoss
 11. Chinnadurai
- ... Petitioners

Vs.

1. C. Swamikannu
 2. The Deputy Superintendent of Police
Central Bureau of Investigation
Chennai
- ... Respondents/Petitioner/
Respondent

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the order passed in Crl.M.P.No.3740 of 2010, in S.C.NO.185/2010 dated 09-02-2011 by the Principal District and Sessions Judge, Cuddalore.

For petitioner :: Mr. S. Saravana Kumar
For respondent :: Mr. K. Srinivasan,
Spl.P.P. for CBI cases
Mr. S. Sathiachandran for R1

ORDER

This criminal revision case has been directed against the order dated 09-02-2011 passed in Crl.M.P.No.3740 of 2010 in Sessions Case No.185 of 2010 by the District and Sessions Court, Cuddalore Division.

2. The first respondent herein as petitioner has filed Crl.M.P.No.3740 of 2010 in Sessions Case No.185 of 2010 under Section 7(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, wherein the present revision petitioners have been shown as respondents.

3. It is averred in the petition that the petitioner is none other than the defacto complainant. On the basis of the complaint given by him, a case has been registered, investigation has been done and subsequently, a final report has been filed and the same has been taken on file in Sessions Case No.185 of 2010. For the purpose of making attachment of the properties belonging to the accused and also for the purpose of assisting the prosecution through the counsel for the petitioner, the present petition has been filed.

4. The Court-below after considering the divergent submissions made on either side has simply directed the investigating agency to find as to whether the accused (except Exs-4 and 9) are having immovable properties. In respect of other reliefs, the Trial Court has dismissed the petition. Against the order passed by the Trial Court, the present criminal revision case has been filed.

5. The learned counsel appearing for the revision petitioner has contended that the provision of law quoted in the petition in question, is not an enabling section so as to grant the relief sought for therein and the Trial Court without considering the flaw in the petition has erroneously allowed the same and therefore, the order passed by the Trial Court is liable to be set aside.

6. The learned counsel appearing for the first respondent as well as the learned Special Public Prosecutor have uniformly contended that as per Section 7(2) of the said Act, the Court is empowered to attach property during trial of a case.

7. On the basis of divergent submissions made on either side, the Court has to look into as to whether such power of attachment is vested with the Trial Court during trial.

8. In fact, this Court has perused Section 7(2) of the said Act wherein it has been explicitly stated that the concerned Court is having power of attachment during pendency of trial.

9. As stated earlier, the Trial Court has simply directed the investigating agency to find out as to whether the accused mentioned therein are having immovable properties, since as per Section 7(2) of the said Act, power of attachment vests with the concerned Court. The order passed by the Trial Court is perfectly correct and the same need not be set aside.

In fine, the criminal revision case is dismissed. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

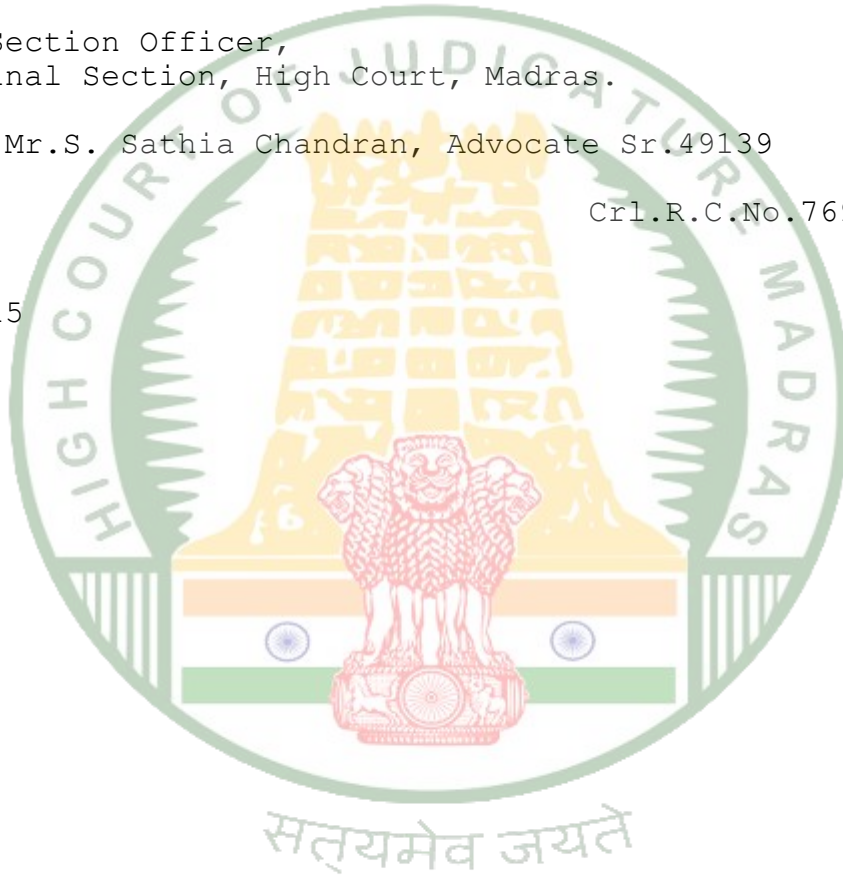
To

1. The Principal District and Sessions Judge,
Cuddalore.
2. The Deputy Superintendent of Police,
Central Bureau of Investigation, Chennai.
3. The Public Prosecutor, High Court, Madras.
4. The Section Officer,
Criminal Section, High Court, Madras.

+ 1 cc to Mr.S. Sathia Chandran, Advocate Sr.49139

Cr1.R.C.No.769 of 2011

SKV(CO)
Eu 24.09.15



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