

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.27575 of 2015

Sivadas @ Kovan

... Petitioner

Vs.

The Inspector of Police,
Central Crime Branch,
Chennai Commissioner Office,
Vepery, Chennai-600 007.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the learned Chief Metropolitan Magistrate, Egmore, Allikulam Campus, Chennai, to give opportunity to the petitioner to challenge the custody order, if any, going to be passed in Chennai CCB (Cyber Crime Cell) X, Cr.No.439/2015 on 05.11.2015 or on any other subsequent date, before the appropriate appellate forum and till then, the said order may be suspended or the petitioner may not be sent to the police custody.

For Petitioner : Mr.S.Jimraj Milton

For Respondents : Mr.S.Shanmugha Velayutham, PP

ORDER

This petition has been filed seeking to direct the learned Chief Metropolitan Magistrate, Egmore, Allikulam Campus, Chennai, to give opportunity to the petitioner to challenge the custody order, if any, going to be passed in Chennai CCB (Cyber Crime Cell) X, Cr.No.439/2015, before the appropriate appellate forum.

2.The petitioner has been arrested by the respondent-police on 30.10.2015 for the alleged offences punishable under Sections 124A, 153 and 505(1)(b) & (c) of IPC and remanded to judicial custody by the learned Chief Metropolitan Magistrate, Allikulam, Chennai. The respondent-Police moved a petition before the said Court seeking police custody of the petitioner for five days.

3. Even before passing any order in the said custody petition, the petitioner has filed the present petition before this Court seeking for a direction to the said Court to give opportunity to the petitioner to challenge the custody order, if any, going to be passed. Even if the court below passes any order in the said custody petition, the petitioner herein is having remedy to file a revision. Hence, the present petition is not maintainable before this Court.

Accordingly, the criminal original petition is dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To,

1. The Chief Metropolitan Magistrate,
Egmore, Allikulam Campus, Chennai

2. The Inspector of Police,
Central Crime Branch,
Chennai Commissioner Office,
Vepery, Chennai-600 007.

+1 cc to the Public Prosecutor, High Court,
Madras sr.61895

सत्यमेव जयते

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