



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

CRL.RC. (MD) No.162 of 2014

and

M.P.No.1 of 2014

Sundarambal : Petitioner/Petitioner/Defacto Complainant
Vs.

1.The Inspector of Police,
Chinnamanur Police Station,
Crime No.149 of 2013.

2.M.Marimuthu

3.Mariammal

4.A.Prabhu

5.P.Raja : Respondents/Respondents/Accused Nos.2 to 5

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the order dated 16.12.2013 in Cr.M.P.No.14771 of 2013, in Crime No.149 of 2013, on the file of the learned Judicial Magistrate, Uthamapalayam and set aside the same as illegal and allow this Criminal Revision Case.

For Petitioner : Mr.J.Sulthan Basha
For M/s.Ajmal Associates

For Respondent No.1 : Mr.P.Kannithevan
Government Advocate [Criminal Side]

O R D E R

The petitioner herein is the *de facto* complainant in Crime No.149 of 2013, on the file of the first respondent police. The said case was registered for offence punishable under Sections 406 and 420 of the Indian Penal Code against the respondents 2 to 5 herein. The investigation is still pending. While so, the petitioner filed Cr.M.P.No.14771 of 2013 before the Lower Court under Section 91 of the Code of Criminal Procedure seeking a direction to the pawn brokers to whom the accused allegedly pledged the properties in question, to produce the same before the Court. The Lower Court by order dated 16.12.2013 has dismissed the said petition. Challenging the same, the petitioner has come up with the present Criminal Revision Case.

2. I have heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and perused the records carefully.

3. The learned counsel appearing for the petitioner would submit that the properties, which are the subject matters of the crime, were <https://hcservicescloud.gov.in/hcservices> accused with the pawn brokers and therefore, the pawn brokers should be directed, under Section 91 of the Code of Criminal Procedure, to produce the properties before the Lower Court.



4. In my considered view, such a request of the petitioner cannot be entertained, as it would amount to interference with the investigation. Now, the trial of the case is pending before the Lower Court and under Section 91 of the Code of Criminal Procedure, the Court cannot direct any third party to produce the properties. If the properties are required for investigation, it is for the Investigating Officer to do in accordance with law.

5. In the result, the Criminal Revision Case fails and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate, Uthamapalayam.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

+1cc to M/s.Ajmal Associates,Advocate, SR.No.20653

ORDER MADE IN
CRL.RC.(MD)No.162 of 2014
DATED - 17.04.2015

NB

PA/07.05.2015/2P/5C