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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2015

CORAM:

THE HONOURABLE MRS.JUSTICE S.VIMALA

Criminal Revision Case (MD)No.508 of 2015

C.Martin

.. Petitioner/Petitioner.

Vs.

State, rep. by the Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.461 of 2015)

.. Respondent/Respondent

Revision is filed under Section 397 r/w 401 Cr.P.C. to call for the records of the Judicial Magistrate Court, Sathankulam in Cr.M.P.No.9655 of 2015, dated 10.10.2015 and set aside the same.

For Petitioner : Mr.A.Sankararama Subramanian
For Respondent : Mr.P.Kandasamy
Government Advocate (crl. side)

ORDER

The impugned order declining to order return of property is under challenge in this revision petition.

2.The perusal of the order passed by the Court below would reveal that as the original RC book was not produced before the Court, the application has been dismissed.

3.The learned counsel for the revision petitioner himself has submitted before the Court below that it is not possible to produce the RC book. But why it will not be possible to produce the RC book has not been disclosed before the learned Magistrate. That made the Magistrate to dismiss the petition.

4.Now, it is submitted that the original RC book is in the custody of the financier and therefore, it could not be produced. Having regard to the representation made, the petitioner is permitted to take an affidavit



from the financier that the original RC book is with them and on such filling of the affidavit before the Court below, the Court will consider the application for return of the property and pass orders on merits.

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5. In the result, the Criminal Revision Petition is allowed and the order passed by the Court below is set aside and the matter is remitted back to the Court for fresh consideration.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar.

To

1. The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
2. The Judicial Magistrate Court, Sathankulam.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to: The Section officer, Criminal Section (Records)
Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.Jeyapaul Associates, SR.No.63660.

Crl.R.C. (MD) No.508 of 2015
29.10.2015

AM/05.11.2015/NGM.SS/SAR-II/2P/6C