

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1247 of 2015

Annathai

M/o.Late Ravi @ Ravikumar

.. Petitioner

vs.

1.R.Sonia

D/o.Late Ravi @ Ravikumar

2.R.Devi

W/o.Late Ravi @ Ravikumar

3.Chinna Veeran @ Ayyavoo Thevar

F/o.Late Ravi @ Ravikumar

4.State represented by

The Inspector of Police (Crime)

K-4, Anna Nagar Police Station,

Chennai - 600 040.

... Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned XVI Additional City Sessions Judge, Chennai, passed in Crl.M.P.No.155 of 2014 in Crl.M.P.No.41 of 2011 in S.C.No.478 of 2005 on 08.10.2015.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondents : Mr.P.Vijayalakshmi [R3]
Mr.K.Madhan,
Government Advocate [Crl.side] [R4]

ORDER

This revision arises against the order of learned XVI Additional City Sessions Judge, Chennai, passed in Crl.M.P.No.155 of 2014 in Crl.M.P.No.41 of 2011 in S.C.No.478 of 2005 on 08.10.2015.

2. Petitioner is the mother of the deceased Ravi @ Ravikumar and respondents 1 to 3 are daughter, wife and father of the deceased respectively. It is the prosecution case that the deceased was murdered by one Sivakumar @ Kumar. A case was

registered in Crime No.2020 of 2003 on the file of fourth respondent. In the course of investigation, certain properties were seized. First respondent/daughter of the deceased filed Crl.M.P.No.41 of 2011 in S.C.No.478 of 2005 seeking return of such properties. Court below, under order dated 04.10.2011, while directing return of properties, required the first respondent to execute a bond in a sum of Rs.1,40,000/- and to produce the properties before the Court as and when required. Challenging such order, petitioner filed Crl.M.P.No.155 of 2014 in Crl.M.P.No.41 of 2011 in S.C.No.478 of 2005, which came to the dismissed under order dated 08.10.2015. Hence, this revision.

3. Heard learned counsel for petitioner, learned counsel for third respondent and learned Government Advocate [Crl.side] for State.

4. In dismissing the petition filed by petitioner/mother of the deceased, the Court below has found that already interim custody of properties were given to the wife of the deceased. In directing interim custody of properties, the Court below also took into consideration that the properties were already marked during trial and that the prosecution has no objection for return of properties. The Court below also noted that in support of the allegation that there was a possibility of tampering with the properties, the petitioner has not produced any proof and the petition has been filed merely for financial gain. This Court finds no error in the order under challenge.

The Criminal Revision Petition shall stand dismissed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gm

To

The XVI Additional City Sessions Judge,
Chennai.

1 cc to MR.C.S. Dhanasekaran, Advocate, Sr. 62244

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RJ (CO)
kk 29/12