

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2016

(Orders Reserved on : 22.09.2016)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.596 of 2016

and

Crl.M.P.No.4136 of 2016

S.MuralidharanPetitioner/De facto
Complainant

Vs.

1. Kotteswara Rao ... Respondent/Petitioner
2. State by,
The Inspector of Police,
G-7, Achirapakkam Police Station,
Kancheepuram District. Respondent/Complainant

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, against the order dated 14.03.2016 passed by the learned Judicial Magistrate, Madurantakam, in Crl.M.P.No.509 of 2016 in Crime No.370 of 2015.

For Petitioner : Mr.C.Selvakumar

For R-1 : Private Notice served
No Appearance

For R-2 : Mrs.M.F.Shabana,
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is directed against the order dated 14.03.2016 passed by the learned Judicial Magistrate, Madurantakam, in Crl.M.P.No.509 of 2016 in Crime No.370 of 2015.

2. The learned counsel for the petitioner would contend that the revision petitioner is the de facto complainant and the first respondent herein has filed a petition in Crl.M.P.No.509 of 2016 for return of the seized 30 buffalos for interim custody and the trial Court, without considering the arguments of the complainant, erroneously allowed the said petition granting custody of 30 Buffalos. Hence, the learned counsel for the petitioner prayed that the order passed by the

trial Court has to be set aside and the criminal revision case has to be allowed.

3. Even though notice was served on the first respondent and his name is also printed in the cause list, he has not chosen to appear either in person or through counsel.

4. The learned Government Advocate (Crl.Side) appearing for the second respondent would contend that the trial Court, after considering the entire facts and circumstances of the case, allowed the petition filed by the first respondent herein for return of 30 Buffalos and there is no infirmity or illegality in the order passed by the trial Court and hence, he prayed that the Criminal Revision Case has to be dismissed.

5. In this case, admittedly, the present petitioner is not the owner of 30 Buffalos. Further, the first respondent herein has filed sworn affidavit before the trial Court stating that he has purchased the 30 Buffalos for Rs.1,50,000/- for his livelihood from the neighbouring State and he made arrangements to take care of the said Buffalos. Considering the above fact, the trial Court ordered to return the 30 Buffalos to the owner. Since the revision petitioner/de facto complainant is not the owner of the 30 Buffalos, he is not entitled for interim custody of the above 30 Buffalos. After considering the above facts and circumstances of the case, the trial Court passed an appropriate order.

6. Hence, this Court is of the considered view that there is no infirmity or illegality in the order passed by the trial Court. This Court finds no reason to interfere with the order passed by the trial Court which does not warrant any interference by this Court and hence, the criminal revision case is liable to be dismissed.

7. In the result, this Criminal Revision Case is dismissed. The connected miscellaneous petition is closed.

WEB COPY

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

Jrl
To

1. The Judicial Magistrate,
Madurantakam.

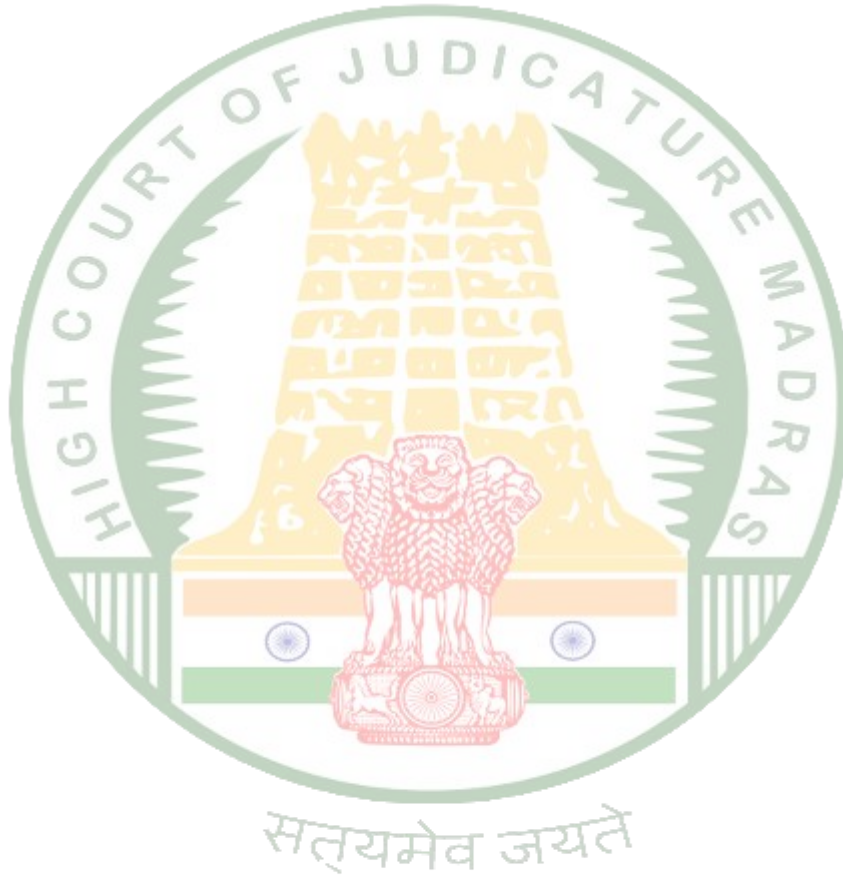
2. The Inspector of Police,
G-7, Achirapakkam Police Station,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

1 cc to M/s.C. Selvakumar, Advocate, Sr. 56268

Cr1.R.C.No.596 of 2016

PPA (CO)
kk 25/10



WEB COPY