

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.701 of 2016

B.V.Krishnaiyan

.. Petitioner

Vs.

Inspector of Police,
DCB ALGSC,
Tiruvallur

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 11.03.2016 made in CMP.No.19 of 2016 on the file of the Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tiruvallur.

For Petitioner : Mr.V.Srinivasan

For Respondent : Mr.M.Mohammed Riyaz, GA (Crl.side)

ORDER

The criminal revision petition is directed against the order passed by the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tiruvallur made in CMP.No.19 of 2016 dated 11.03.2016, dismissing the petition filed by the petitioner under Section 451 Cr.PC for return of document.

2.Heard the rival submissions made on both sides and perused the records.

3.The learned counsel for the petitioner contended that the original sale deed in Document No.816 of 1982 produced in connection with the Cr.No.37 of 2014, the said document is very much required by the petitioner for obtaining patta and assessment of property. The trial Court without appreciation of facts, erroneously dismissed the petition filed by the petitioner, which is against law. Aggrieved over the order of dismissal, the petitioner filed the present revision petition to set aside the order of the trial Court in CMP.No.19 of 2016.

4.Per contra, the learned Government Advocate (Crl. Side) filed counter and vehemently contended that the case is under

investigation and the investigation is not yet over. At this stage, the said document cannot be returned to the petitioner and prays this Court to confirm the order of the trial Court.

5. On perusal of the counter filed by the learned Government Advocate (Crl. Side), the case in Cr.No.37 of 2014 is under final stage of investigation and the charge sheet was not filed by the investigating authority, if the revision is allowed and document is returned to the parties, it will affect the investigation and prosecution case. It is pertinent to mention that the complaint is filed before the District Crime Branch, Anti Land Grabbing Special Cell, Thirvallur. The original documents are very much essential for the investigating authority at the time of investigation, if the documents are returned, the parties will not cooperate for trial proceedings.

6. The trial Court after considering the above facts and circumstances, rightly dismissed the petition filed by the petitioner for return of document. This Court finds there is no illegality or infirmity in the order passed by the trial Court and the same does not warrant any interference by this Court.

7. In the result, the criminal revision petition stands dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Special Judicial Magistrate,
Special Court for Land Grabbing Cases,
Tiruvallur.

2. The Public Prosecutor, High Court, Madras.

3. Inspector of Police High Court Madras

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