

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16831 of 2016
and
Cr1.MP.No.8106 of 2016

V.Kappulakshmi ... Petitioner

Vs

1.The Inspector of Police, (L & O)
B-8, Police Station,
Coimbatore City.

2.R.Jayesh Kanna
3.N.Rajasubramaniam
4.Rajasree
5.R.Jai Prasanth
6.R.Jeyanth Raj

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed in C.R.P.No.57 of 2015 dated 26.02.2016 by the Hon'ble IV Addl. District and Sessions Judge, Coimbatore in C.M.P.No.1045 of 2015 dated 16.04.2015 on the Judicial Magistrate V, Coimbatore and consequently direct the Hon'ble Mahila Court, Coimbatore to return the jewel and article belongs to the petitioner.

For Petitioner : Mr.J.Karthikeyan

For Respondent : Mr.C.Emalias
No.1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order passed in C.R.P.No.57 of 2015 dated 26.02.2016 by the IV Addl. District and Sessions Judge, Coimbatore, confirming the order passed in C.M.P.No.1045 of 2015 dated 16.04.2015 on the Judicial Magistrate V, Coimbatore and consequently direct the Mahila Court, Coimbatore to return the jewel and article belongs to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3. The petitioner's daughter committed suicide, in connection with which, a case in Crime No.45 of 2015 was registered by the respondent police against her husband and his family members and after completing the investigation, the police filed a final report before the jurisdictional Magistrate.

4. While so, the petitioner filed an application in CrI.M.P.No.1045 of 2015 before the Judicial Magistrate No.V, Coimbatore, under Section 451 Cr.P.C for returning the jewels worn by the deceased, which were seized by the respondent police and submitted to the Court. The said petition was dismissed by the Judicial Magistrate No.V, Coimbatore, on 16.04.2015 and the petitioner filed a Criminal Revision Petition No.57 of 2015 before the Principal District and Sessions Judge, Coimbatore, who made over the case to the IV Additional District and Sessions Judge, Coimbatore. In the meantime, the case was committed to the Court of Principal District and Sessions Court, Coimbatore, in S.C.No.248 of 2015 and since the victim was a lady, it was made over to the Mahila Court, Coimbatore.

5. Under such circumstances, the Criminal Revision Petition in C.R.P.No.57 of 2015 should also have been made over to the Mahila Court, Coimbatore, whereas, it was made over to the IV Additional District and Sessions Judge, Coimbatore, who had passed the impugned order on the ground that she lacks jurisdiction to pass any orders as the case is pending on the file of the Mahila Court.

6. In the considered opinion of this Court, the order dated 26.02.2016 passed by the IV Additional District and Sessions Judge, Coimbatore, cannot be found fault with because she lacks jurisdiction to entertain the criminal revision petition as the case was seized of by the Mahila Court, Coimbatore. However, the petitioner cannot be left without any remedy in-Law. Therefore, this Court grants liberty to the petitioner to file a fresh application under Section 451 Cr.P.C before the Mahila Court, Coimbatore and on such a petition being filed, the same shall be heard after giving notice to the accused and pass orders on merits thereon.

In view of the above, the criminal original petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms
To

- 1.The Inspector of Police, (L & O)
B-8, Police Station,
Coimbatore City.
- 2.The IV Addl. District and Sessions Judge,
Coimbatore.
3. The Judicial Magistrate V,
Coimbatore.
4. The Sessions Judge,
The Mahila Court,
Coimbatore.
- 5.The Public Prosecutor
High Court, Madras.

1 cc to Mr.J.Karthikeyan, Advocate, sr.44629

सत्यमेव जयते

Cr1.OP No.16831 of 2016
and
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rj co
kra 30.08.2016

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