

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.866 of 2016

Kandhan Knitss
Represented by its
Partner P.Dhanapal
1/287B, Gowthampalayam,
Pongupalayam Post,
Perumanallur,
Tirupur District. Petitioner/Accused

Vs.

State rep. by
Inspector of Police,
All Women Police Station,
Sathyamangalam,
Erode District.
Crime No.22/2015. Respondent/Complainant

Prayer: Criminal Revision Case filed under Section 397 r/w.
401 of the Code of Criminal Procedure, praying to set aside
the order passed by the Court of Sessions, Mahalir
Neethimandram, (Fast Track Mahila Court), Erode, in
Crl.M.P.No.171 of 2016 on 31.05.2016.

For Petitioner : Mr.C.Ramkumar
For Respondent : Mrs.M.F.Shabana,
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is directed against the order
passed by the Court of Sessions, Mahalir Neethimandram, (Fast
Track Mahila Court), Erode, in Crl.M.P.No.171 of 2016 on
31.05.2016, dismissing the petition filed by the petitioner
under Section 451 of Cr.P.C. for return of the property.

2. The learned counsel for the petitioner would contend
that the property seized in this case viz., Vehicle bearing
Registration No.TN-57-AA-1828 belonged to the revision
petitioner herein and since the petitioner is the owner of the
vehicle, he is ready to produce the vehicle as and when
required by this Court and he is also ready to produce

sufficient sureties as ordered by this Court. Hence, the order of the trial Court has to be set aside and the vehicle has to be returned to the petitioner.

3. The learned Government Advocate (Crl.Side) would vehemently contend that in this case, already, the two previous petitions filed by the petitioner were dismissed and there was no appeal or revision against the said orders of dismissal passed by the trial Court. The petition in Crl.M.P.No.171 of 2016 is filed subsequently on the same ground and on same facts. There is no infirmity or illegality in the order passed by the trial Court and hence, the criminal revision case has to be dismissed.

4. This Court called for the entire records from the trial Court and perused the same. On verification of the trial Court records, it is seen that before the impugned order was passed by the trial Court in Crl.M.P.No.171 of 2016 on 31.05.2016, two previous petitions were filed before the same Court for return of property. On verification of records, it is seen that the petition in Crl.M.P.No.120 of 2016 was filed by one Mr.Dhanapal, who is the partner of the Kandhan Knitss, for return of property and the trial Court, after hearing the petition, dismissed the same on 02.05.2016. As against the said order, admittedly, there was no revision preferred by the partner of Kandhan Knitss, Mr.P.Dhanapal. Subsequently, one Mr.S.C.Govindasamy, who is the Manager of the Kandhan Knitss had filed a separate petition before the Sessions Court, Magalir Neethi Mandram, Fast Track Mahila Court, Erode, in Crl.M.P.No.140 of 2016, seeking for the same relief of return of the vehicle bearing Registration No.TN-57-AA-1828. The trial Court, after hearing both the parties, dismissed the said petition on 12.05.2016. Against the said order, there was no revision preferred by the Manager of the Kandhan Knitss. Subsequently, Crl. M.P.No.171 of 2016 was filed by the partner of the Kandhan Knitss before the trial Court and the said petition was also dismissed by the trial court. As against the order of dismissal, the present criminal revision case is preferred by the petitioner before this Court.

5. In this case, already, the two petitions viz., Crl.M.P.Nos.120 of 2016 and 140 of 2016 filed by the petitioner for return of property were dismissed by the trial Court. Against the said orders, there was no revision preferred by the petitioner and the said orders were not challenged. Hence, the orders become final and the petitioner has to file another petition only after the disposal of the case. Hence, the petitioner is not entitled to file the present criminal revision case under Section 397 r/w. 401 Cr.P.C. Further, the vehicle was involved in the commission of offence under Section 366 IPC and Section 4 of POCSO Act. Already there were two similar petitions filed and since there were no original documents produced before the trial Court to

prove the ownership of the property, the trial Court, rightly, dismissed the said petitions. 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 dated 31.05.2016 passed by the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Erode, in CrI.M.P.No.171 of 2016, which does not warrant any interference by this Court and hence, the criminal revision case deserves to be dismissed.

6. In the result, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Sessions Judge,
Mahalir Neethimandram,
Fast Track Mahila Court,
Erode.

2. The Inspector of Police,
All Women Police Station,
Sathyamangalam,
Erode District.

3. The Public Prosecutor,
High Court, Madras.

CrI.R.C.No.866 of 2016

GJII(CO)
Eu 27.09.16