

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.9395 of 2016

S.Rajamanickam

..Petitioner

Vs

1. The Inspector of Police
Thiyagadurgam Police Station
Thiyagadurgam
Villupuram District.

2. The Bank Manager
State Bank of India
Kallkurichi Branch
Kallakurichi
Villupuram District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st respondent to investigate the petitioner's complaint as contemplated in C.M.P.No. 229 of 2012 on the file of the learned Judicial Magistrate, Kallakurichi on merits.

For Petitioner : Mr. M.Saravana Kumar

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent to investigate the petitioner's complaint as contemplated in C.M.P.No. 229 of 2012 on the file of the learned Judicial Magistrate, Kallakurichi on merits.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that the petitioner obtained a vehicle loan from the State Bank of India, Kallakurichi Branch and defaulted in making payment, on account of which, his vehicle was seized and brought to sale. While so, the petitioner filed a petition under Section 156 (3) Cr.P.C., in C.M.P.No. 229 of 2012, for a direction to the respondent police to register an F.I.R, which was dismissed by the learned Judicial Magistrate, Kallakurichi on 11.01.2012 by a detailed order.

4. Aggrieved by the order passed by the learned Judicial Magistrate, Kallakurichi, the petitioner approached the Sessions Court in CrI.R.C.No. 15 of 2012 and the same was dismissed by the Sessions Court on 28.09.2015 by confirming the order passed by the Judicial Magistrate, Kallakurichi. Thereafter, the petitioner, now, approached this Court by way of filing this Criminal Original Petition under Section 482 Cr.P.C.

5. Under Section 397 Cr.P.C. the High Court and sessions Court have concurrent revisional jurisdiction. Under Section 397(3) Cr.P.C., if a person has invoked the revisional jurisdiction of the sessions Court, he is precluded from filing a second revision before the High Court. However, a petition for direction filed under Section 482 Cr.P.C., is maintainable, if there is manifest illegality or improbability in the order passed by the Courts below which has resulted in miscarriage of justice.

6. Even according to the petitioner, he had taken a vehicle loan from the State Bank of India and the Bank Officers had seized the vehicle. It is the grievance of the petitioner that the Bank officers had acted in a high handed manner and illegally seized the vehicle.

7. This Court does not find any serious infirmity in the order passed by the Courts below warranting interference under Section 482 Cr.P.C. Hence, this Criminal Original Petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Inspector of Police
Thiyagadurgam Police Station
Thiyagadurgam, Villupuram District.
2. The Bank Manager
State Bank of India
Kallkurichi Branch, Kallakurichi
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. M. Saravana Kumar, Advocate, S.R.No.29612

GR(CO)

EU(13/06/2016)