



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.03.2016

C O R A M

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P(MD)No.3536 of 2016

Selvakumar

... Petitioner

Vs.

The Sub-Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.740/2010).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to set aside the order of the learned District and Sessions Court (Special Court for E.C Cases), Pudukkottai in Cr.R.P.No.3 of 2014 dated 21.01.2016.

For Petitioner : Mr.K.Baalasundharam

For Respondent : Mr.K.V.Rajarajan
Government Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order of the learned District and Sessions Court (Special Court for E.C Cases), Pudukkottai in Cr.R.P.No.3 of 2014 dated 21.01.2016.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3. It is seen that this petitioner is the de-facto complainant in Crime No.740/2010, which relates to offences under Sections 341 and 397 IPC. It is the case of the petitioner that he is a owner of a jewelry shop and there was a theft from the jewelry shop and pursuant to which, a complaint has been given by the petitioner. The respondent registered a case in Crime No.740 of 2010 on 19.10.2010 and during investigation, the respondent arrested some accused and recovered a portion of the jewelry both in ornaments as well as in inghots. The petitioner filed an application under Section 451 Cr.P.C. in Cr.M.P.No.19214 of 2014 before the Judicial Magistrate, Aranthangi, which was for return of the properties and the learned Magistrate returned two ornaments, but rejected the claim with regard to ingots. Aggrieved by the order passed by the learned Magistrate, the petitioner approached the Sessions Court invoking its revisional jurisdiction under Section 397 Cr.P.C. in Crl. R.P.No.3 of 2014. The learned Additional District and Sessions Judge, by order dated 21.01.2016 dismissed the Crl.R.P.No.3 of 2014, thereby confirming the order passed by the trial Court. Challenging the order passed by the Court below, the petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Under Section 397(3) of the Code of Criminal Procedure, if a person had approached the Sessions Court invoking its revisional



jurisdiction, he is precluded from approaching this Court again. However, the petition under Section 482 Cr.P.C. is maintainable, when it is shown that the order passed by the Court below is illegal. This Court carefully scrutinised the orders passed by the Magistrate and the Sessions Court and finds no serious infirmity warranting exercise of jurisdiction under Section 482 Cr.P.C.

5. The learned Government Advocate (Crl. Side) submits that investigation has been completed and final report has been filed before the Judicial Magistrate, Aranthangi and the same has been taken on file in PRC No.7 of 2012. The learned Government Advocate, on instructions, submits that two accused have died and one of them is absconding.

6. Under such circumstances, since the occurrence is of the year 2010 and final report has been filed in the year 2012, this Court directs the learned Judicial Magistrate, Aranthangi, to expedite the committal proceedings in PRC No.7 of 2012 and complete the same as early as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

With the above observation and direction, this petition is disposed of.

Sd/
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1.The District and Sessions Judge,
(Special Court for E.C Cases)Pudukkottai.

2.The Judicial Magistrate,
Aranthangi.

3.The Sub-Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Baalasundharam, Advocate SR.No.13007

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07.03.2016

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