

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.386 of 2014
and M.P.No.1 of 2014

P.Krishnamurthy ... Petitioner/Accused

Vs.

1. The Inspector of Police,
Jederpalayam Police Station,
Namakkal District.
(Crime No.125/13) ...1st Respondent/Complainant

2. T.Sivasubramaniam ...2nd Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 r/w 401 of Cr.P.C. praying to call for the records and set aside the order of the Learned District Munsiff cum Judicial Magistrate, Paramathy made in C.M.P. No.4706/13 dated 7/2/14 in Crime No.125/13 on the file of the Inspector of Police, Jedarpalayam Police Station, Namakkal District.

For Appellant : Mr.N.Umapathi

For Respondent : Mr.R.Ravichandran
Government Advocate (Criminal side)

O R D E R

This revision has been filed under Section 397 r/w 401 of Criminal Procedure Code challenging the order passed by the learned District Munsif cum Judicial Magistrate, Paramathy in C.M.P. No.4706 of 2013 on 07.02.2014, granting interim custody of Diesel Motor Pumpset to the respondent.

2.Two criminal cases have been registered by the first respondent police, one based on the complaint given by the petitioner herein for an offence under Section 379 IPC and another complaint was registered based on the complaint given by the second respondent herein also for an offence under Section 379 IPC. Both complaints relate to theft of Diesel Motor Pumpset. Pending investigation, both petitioners filed an application seeking interim custody of Diesel Motor Pumpset. The petitioner herein filed a petition in C.M.P. No.4700 of 2013 and the second respondent herein filed an application in C.M.P. No.4706 of 2013. The Trial Court dismissed C.M.P. No.4700 of 2013 filed by the petitioner

herein. Challenging the above said dismissal order, the present revision has been filed.

3.Learned Government Advocate (Crl.side) submitted that the complaint given by the revision petitioner was referred as mistake of fact and the compliant filed by the second respondent was taken on file.

4.In the above circumstances, since already the complaint by the petitioner was referred as a mistake of fact, this revision petition filed by the petitioner is not maintainable at this stage. Accordingly, this revision Petition stands dismissed. Consequently, connected miscellaneous Petition is also closed. However, it is open to the revision petitioner to file fresh application seeking for return of property, if so advised.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The District Munsif cum Judicial Magistrate,
Civil Judge (Junior Division)
Paramathy, Namakkal.
2. The Inspector of Police,
Jederpalayam Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras.

sks (co)
krd 5/4

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