

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.R.C.No.596 of 2017

C.Paulraj

.. Petitioner

Vs

1. The State rep. by
The Inspector of Police,
T-13, Kundrathur Police Station,
Chennai - 600 069

2. K.Decasta

.. Respondents

Prayer:- Criminal Revision filed under Section 397 r/w. 401 Cr.P.C.,
to set aside the order in C.M.P.No.5339 of 2013 passed by the learned
District Munsif cum Judicial Magistrate, Sriperumpudur, in Crime
No.877 of 2013 .

For Petitioner

: Mr. S.Hemanand

For Respondents

: Mr. R.Ravichandran,
Gov. Advocate(Crl. side)
for R1

: T.Elumalai,
for R2

ORDER

The revision has been filed by the petitioner challenging the order passed by the learned District Munsif cum Judicial Magistrate, Sriperumbudur, in CMP No.5339 of 2013 in Crime No.877 of 2013 dated 17.02.2014, filed by the second respondent under Section 451 & 457 Cr.P.C., for return of some documents to the second respondent herein, which were seized during the investigation.

2. The petitioner is an accused in C.C.No. 170 of 2014 on the file of the District Munsif-cum-Judicial Magistrate Court, Sriperumpudur for an offence under Section 380 IPC. During the investigation, sale deeds were recovered from the accused. After investigation, charge sheet has also been filed. Now the matter is pending trial.

3. At this stage, the second respondent/complainant filed a petition claiming right over the documents and sought interim custody of the documents. The Court below by an order dated 17.02.2014 allowed the application on condition that the second petitioner herein should produce the document as and when required by the Court and the second respondent shall not do any act in respect of any of the documents. Challenging the said order, the petitioner has filed the present revision on the ground that the second respondent in violation of the order passed by the Court below is attempting to hand over the

documents to the respective owners of the property. If it is so, it is always open to the petitioner to approach the court below seeking appropriate relief, for that purpose petitioner cannot maintain a revision petition before this court since it is a disputed issue. Hence, I find no merits in the revision.

3. Accordingly, the Criminal Revision is dismissed.

11.04.2017

mrp

Index : yes/no

Internet : yes/no

Speaking order/non speaking order

To

1. The District Munsif cum Judicial Magistrate,
Sriperumpudur.
2. The Public Prosecutor,
High Court, Chennai.

V. BHARATHIDASAN, J.

mrp

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