



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2017

CORAM

THE HON'BLE MR.JUSTICE B.GOKULDAS

CRL.R.C. (MD) No.831 of 2016

R.Mariappan

: Revision Petitioner

vs.

The State,
Through Sub Inspector of Police,
Kuttralam Police Station,
Tirunelveli District.

: Respondent

Prayer: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to call for the records and set aside the order passed by learned Judicial Magistrate, Shencottah, Thirunelveli District in Cr.M.P.No.7288 of 2016 in Cr.No.244 of 2016, dated 19.10.2016, on the file of the respondent police.

For Petitioner

: Mr.S.Moorthy

For Respondent

: Mrs.S.Prabha

Government Advocate (Crl. Side)

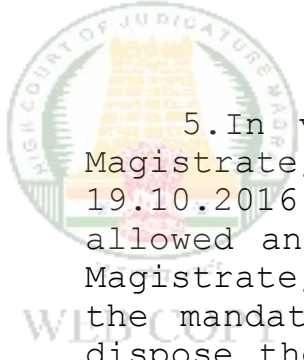
ORDER

This Criminal Revision has been filed to call for the records and set aside the order passed by learned Judicial Magistrate, Shencottah, Thirunelveli District in Cr.M.P.No.7288 of 2016 in Cr.No.244 of 2016, dated 19.10.2016, on the file of the respondent police.

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

3.The learned counsel appearing for the petitioner submitted that without giving notice to the subsequent purchaser/petitioner, the order has been passed by the learned Judicial Magistrate, Shencottah. This is the only ground to set aside the order passed by the learned Judicial Magistrate, Shencottah in Crl.M.P.No.7288 of 2016, dated 19.10.2016 since the mandatory notices have not been sent by the Magistrate before passing the confiscation order.

4.The learned Government Advocate (crl.side) submitted that the respondent police is awaiting for chemical analysis report.



5. In view of the above, the order of the learned Judicial Magistrate, Shencottah in Crl.M.P.No.7288 of 2016, dated 19.10.2016 is set aside. This Criminal Revision Petition is allowed and the matter is remitted back to the learned Judicial Magistrate, Shencottah to consider the matter afresh by following the mandatory provisions and the learned Judge is directed to dispose the matter within one month from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Judicial Magistrate,
Shencottah.
2. The Sub Inspector of Police,
Kuttralam Police Station,
Tirunelveli District.
3. The Additional Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Am

js/JM/08.02.2017/2p-4c

Order made in
CRL.R.C. (MD) No.831 of 2016
19.01.2017