

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1291 of 2017

Baskar

... Petitioner

vs.

State, represented by
S.H.O.CB-CID,
Cuddalore.

... Respondent

Criminal Revision Petition filed against the order dated 19/5/16, made in Crl.M.P.No.483 of 2016, in Crime No.1 of 2013, on the file of the Chief Judicial Magistrate, Cuddalore.

For Petitioner : Mr.E.Gurubaran

For Respondents : Mr.G.Harihara Arun Somasankar
Government Advocate

ORDER

The petitioner has filed the present Criminal Revision Petition seeking to set aside the order, dated 19.05.2016, passed by the Chief Judicial Magistrate, Cuddalore, in Crl.M.P.No.483 of 2016, in and by which, the learned Chief Judicial Magistrate, Cuddalore, rejected the prayer of the petitioner seeking interim possession of the property (gold jewels) seized from him in connection with Crime No.1 of 2013, on the ground that the same could be decided only after full pledged enquiry under Section 456 of the Act. As against the said order, the petitioner has already filed a revision petition under Sections 397 and 399 of the Code of Criminal Procedure, 1973, before the I Additional District and Sessions Court, Cuddalore, and the same has been dismissed subsequently.

2.When the matter is taken up for hearing, the learned Government Advocate appearing for the State vehemently contended that since the petitioner has already filed a revision petition challenging the order impugned in this revision petition, the present revision petition is not maintainable and the same is liable to be dismissed.

3.As rightly contended by the learned Government Advocate, in view of the bar contained under Section 397(3) of the Code of Criminal Procedure, 1973, the present Criminal Revision Petition, challenging once again the order passed by the Court below, is not maintainable. Section 397 (3) of Cr.P.C., is usefully reproduced hereunder:

"397.Calling for records to exercise powers of revision.

(1)

(2)

(3) If an application under this Section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them."

4.In view of the bar contained under Section 397(3) of the Code of Criminal Procedure, 1973, the present criminal revision petition filed by the petitioner is not maintainable. Hence, this criminal revision petition is dismissed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

To

1.The State, S.H.O.CB-CID,Cuddalore.

2.The Chief Judicial Magistrate, Cuddalore.

3.The Public Prosecutor, High Court, Madras.

+lcc to Mr.E.Gurubaran, Advocate SR.No.80826

Cr1.R.C.No.1291 of 2018

CP(CO)

GMV (27/12/2018)