

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.4141 of 2019

Mr.Chandrasekaran

... Petitioner

Vs.

State rep. by
Inspector of Police,
AVS Wing-I, Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records of order dated 30.11.2018 passed in C.A.No.380 of 2018 passed by the learned XVI Additional Sessions Judge at Chennai in CMP.No.1203 of 2018 by the learned IV Metropolitan Magistrate, Saidapet, Chennai and set aside the same.

For Petitioner : Mr.M.Anandaraj

For Respondent : Mr.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking to set aside the order dated 30.11.2018 passed in C.A.No.380 of 2018 by the learned XVI Additional Sessions Judge at Chennai in CMP.No.1203 of 2018 by the learned IV Metropolitan Magistrate at Saidapet, Chennai.

2.The case of the prosecution is that 06.06.2018, during a search conducted at Ocean Day Spa No.8/22, First Floor, 2nd Street, H-Block, Anna Nagar East, Chennai, the Inspector of Police, AVS Wing, Chennai, rescued the victim Lakshmi @ Lakshmi Annapoorna, u/s 15 of ITP Act and produced before IV Metropolitan Magistrate, Saidapet, Chennai, wherein the learned Magistrate ordered to accommodate the victim in interim safe custody at Government Vigilance Home, Mylapore, Chennai. Thereafter, the petitioner herein filed a petition in Crl.M.P.No.1203 of 2018 in Crime No.79 of 2018 before the Court below seeking custody of the victim wherein the learned Metropolitan Magistrate dismissed the same. As against the

dismissal order, an appeal has been preferred by the petitioner in Crl.A.No.380 of 2018 before the XVI Additional Sessions Judge, Chennai and the same is also dismissed by an order dated 30.11.2018. Aggrieved by the same, the petitioner is before this Court with the aforesaid prayer.

3.The learned Additional Public Prosecutor would submit that as against the dismissal order passed in Criminal Appeal, filing Criminal Original Petition is not maintainable. The petitioner has to file a revision as against the order passed in Appeal.

4.In view of the above, this Court is not inclined to entertain this petition, accordingly, the Criminal Original Petition is dismissed. However, liberty is given to the petitioner to file a Criminal Revision Case challenging the order passed by the learned XVI Additional Sessions Judge, Chennai on 30.11.2018 in Crl.A.No.380 of 2018. Registry is directed to return the original copy of the order after getting necessary attested copies and signature, to enable the petitioner to file a revision petition.

Sd/-

Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

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To

- 1.The XVI Additional Sessions Judge,
XVI Additional District and Sessions Court,
Chennai.
- 2.The IV Metropolitan Magistrate,
IV Metropolitan Magistrate Court,
Saidapet, Chennai.
3. The Inspector of Police,
AVS Wing-I,
Chennai.

CRL.O.P.No.4141 of 2019

RSV(CO)
GMY(28/03/2019)