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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.209 of 2016

Dinesh Kumar

...Petitioner

Vs.

The Inspector of Police,
M-1, Periyanaickanpalayam
Police Station, Coimbatore.
Crime No.436 of 2015

...Respondent

This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure, to call for the records pertaining to the Order dated 12.01.2016 made in C.M.P.No.140 of 2016, on the file of the learned Judicial Magistrate VI, Coimbatore and set aside the same and consequently direct to hand over the jewels to the interim custody of the petitioner.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.Suriya Prakash
Government Advocate (Crl. side)

O R D E R

This petition has been filed by the petitioner/accused seeking to call for the records pertaining to the Order dated 12.01.2016 in C.M.P.No.140 of 2016, on the file of the learned Judicial Magistrate VI, Coimbatore and set aside the same.

2. Based on the complaint given by one Eswaramoorthy the respondent registered a case against the petitioner in Crime No.436 of 2015 for offence under Section 454, 380 of IPC against the petitioner. During the investigation, the properties mentioned in the petition have been recovered from the revision petitioner/accused.



3. The learned counsel for the petitioner would submit that due to the previous enmity, the defacto complainant lodged a complaint against the petitioner. He is no way connected in this issue and he is working as a welder in private company and he bought the jewels for his marriage. Therefore, the petitioner prays for interim custody of the case properties.

4. The learned Government Advocate (Criminal Side) would submit that the respondent police have already produced the materials before the Court and the same were in the custody of the Court. Now trial has also been fixed. Therefore, the order of the learned Judge does not warrant interference.

5. Heard the learned counsel appearing for the revision petitioner/accused as well as the learned Government Advocate and perused the materials available on record.

6. According to the prosecution, the trial has been fixed and summon has also been issued to the witnesses. Therefore, the learned Magistrate thought fit not to entertain the present petition under Section 457 of Cr.P.C. for return of the case property. The properties are essential for identification during the trial. Therefore, at this stage, this court does not find any reason to interfere with the order passed by the trial Court.

7. In the result, this criminal revision case is dismissed. However, after the disposal of the case, the petitioner is at liberty to move the petition before the trial Court for return of property if the order is comes in his favour.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rna/rli

To

1.The Judicial Magistrate VI,
Coimbatore.

2.The Inspector of Police,
M-1, Periyanaickanpalayam
Police Station, Coimbatore.



3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Ganesan Advocate, S.R.No.15006

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Cr1.R.C.No.209 of 2016