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BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT
DATE : 23.10.2019
CORAM
THE HONOURABLE MR. JUSTICE V.PARTHIBAN
CRL. R.C. (MD) NOS. 249 & 250 OF 2019

Manikandan .. Petitioner in both revisions

- Vs -

1. State, rep. by
   The Inspector of Police
   Tirunelveli Town (Crime)
   Tirunelveli District. .. R-1 in both revisions

2. P.Mariappan .. R-2 in Crl. R.C. No.249/2019

3. The Branch Manager
   State Bank of India
   Eral Branch, Thoothukudi District.
   .. R-2 in Crl. R.C. No.250/2019

Prayer: Criminal Revision Cases filed u/s 397 r/w 401 of the Code of Criminal Procedure, against the orders dated 13.02.2019, passed by the Judicial Magistrate No.IV, Tirunelveli, in Crl. M.P. Nos.39 and 40 of 2019.

For Petitioner : Mr. V.Karthirvelu, SC, for
M/s. K.Prabhu

For Respondents : Mr. K.R.Laxman for R-2
in Crl. RC 249/19

Mr. V.P.Rajan for R-2 in Crl. RC 250/19

Ms. M.Anantha Devi, GA (Crl. Side) for R-1

COMMON ORDER

The present revision petitions have been filed against the orders dated 13.02.2019, passed by the learned Judicial Magistrate No.IV, Tirunelveli, dismissing the petition filed u/s 451 Cr.P.C. for return of property.

2. When the matter is taken up for hearing, though contentions and counter contentions were advanced by the learned counsel appearing on either side with regard to return of the property, however, learned Government Advocate (Crl. Side), appearing for the 1st respondent submitted that the investigating agency has already filed the charge sheet on 28.1.19, which was subsequently taken on file.

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3. A perusal of the order passed by the court below does not reveal anything about the filing of the charge sheet. However, it is submitted that the charge sheet has been filed on 28.1.19 and the same has been taken on file on a subsequent date. In view of the fact that charge sheet having already been taken on file, this Court is of the considered view that the matter has to be considered afresh by the court below in relation to the charge sheet filed by the 1st respondent. Therefore, this Court deems it fit and proper to remand the matter to the trial court for considering the issue in the light of the charge sheet filed by the 1st respondent and to pass a reasoned order in accordance with law.

4. For the reasons aforesaid, the matters are remanded to the file of the learned Judicial Magistrate No.IV, Tirunelveli, who shall consider the case afresh on the basis of the charge sheet filed by the 1st respondent and pass reasoned orders in accordance with law as expeditiously as possible. The criminal revision petitions are disposed of with the aforesaid direction.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To
1.The Judicial Magistrate No.IV
Tirunelveli.

2.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

+2 CC to Mr.K.PRABHU, Advocate (SR-93851,93850[F] dated 23/10/2019)

+1 CC to Mr.K.R.LAXMAN, Advocate (SR-94017[F] dated 23/10/2019)

+1 cc to Mr.V.P.Rajan , Advocate SR.No.94010

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