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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.460 of 2021

1.K.Thirumal

2.K.Arun Kumar

3.K.Vetri Selvam

... Petitioners

..vs..

State of Tamil Nadu by
The Inspector of Police,
B-1 Police Station,
Dharmapuri.

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 26.02.2021 passed in C.M.P.No.663 of 2021 in C.P.No.118 of 2011 on the file of the Judicial Magistrate No.1, Dharmapuri and allow the above revision case.

For Petitioners	:	Mr.D.Arun Kumar
For Respondent	:	Mr.S.Sugendran Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against order dated 26.02.2021 passed in C.M.P.No.663 of 2021 in C.P.No.118 of 2011 by the learned Judicial Magistrate No.1, Dharmapuri.

2.The respondent police registered a case in Crime No.1374 of 2010 against the petitioners for the offence under Section 379 and 413 of IPC. During the pendency of the investigation, the petitioners filed a petition under Section 451 Cr.P.C in C.M.P.No.663 of 2021 seeking return of the property, which was dismissed by the learned Judicial Magistrate No.1, Dharmapuri on 26.02.2021. Challenging the said order, the petitioners are before this Court by way of Criminal Revision Case.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.



4. It is seen from the records that at the time of filing the petition, the Court below found that investigation was pending and charge sheet has not yet been filed. Moreover, the offence involved in this case are under Sections 379 and 413 IPC. Hence, the Court below has dismissed the petition. During the pendency of the investigation, return of the property is purely discretionary power of the Court below. Therefore, the learned Judge by exercising his discretionary jurisdiction has dismissed the petition filed by the petitioner. This Court, while exercising the revisional jurisdiction cannot conduct roving enquiry at this stage.

5. In view of the above, this Court does not find any perversity or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision case is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.1,
Dharmapuri.
2. The Inspector of Police,
B-1 Police Station,
Dharmapuri.
3. The Public Prosecutor,
High Court, Madras.

+2CCs to Mr.D.Arunkumar, Advocate, Sr.No.41393

Cr1.R.C.No.460 of 2021

LN (CO)
K.RK. (20.09.2021)