



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.438 of 2022

G.Karunairaj @ Michael Soosai

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Central Crime Branch,
Coimbatore.

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to set aside the order passed in C.M.P.No.501 of 2020 dated 28.09.2020 by the learned Judicial Magistrate No.VII, Coimbatore in C.C.No.687 of 2020 pending on the file of the learned Judicial Magistrate No.VII, Coimbatore.

For Petitioner: Mr.P.Pon Pandian

For Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed praying to set aside the order dated 28.09.2020 passed in C.M.P.No.501 of 2020 by the learned Judicial Magistrate No.VII, Coimbatore in C.C.No.687 of 2020.

2. The case of the petitioner is that he is an accused in C.C.No.687 of 2020 on the file of the learned Judicial Magistrate No.VII, Coimbatore. In the said case, charges under Sections 420, 468, 471 of IPC and Section 13(c) of Foreigners Act, 1946 and Section 65 of the Tamil Nadu City Police Act, have been framed as against the accused. While at the time, the case was posed for examination of further prosecution side witnesses, the petitioner filed a petition under Section 451 of Cr.P.C., wherein he prayed to return the petition mentioned articles for interim custody.



3. The learned Judicial Magistrate No.VII, Coimbatore, by an order dated 28.09.2020, dismissed the application saying that the case is posted for examination of further prosecution side witnesses. Further it was observed that previously, the petitioner herein filed applications for the very same relief and the same were dismissed and he has not preferred any revision. Therefore, the petitioner is before this Court with the present revision petition.

4. Heard Mr.P.Pon Pandian, learned counsel appearing for the petitioner and Mr. Leonard Arul Joseph Selvam, learned Government Advocate (Crl. Side) appearing for the respondent Police.

5. Admittedly the petition mentioned articles are recovered by the police in the year 2013. Subsequently, the petitioner filed an application under Section 451 of Cr.P.C., before the learned Judicial Magistrate No.VII, Coimbatore, and the same has been dismissed. In fact, the petitioner filed such applications for four times and all the applications were dismissed. Later instead of preferring revision against the order passed earlier, the petitioner filed the petition in C.M.P.No.501 of 2020 in the year 2020 and thereafter preferred this revision petition.

6. Though it was stated on the side of the petitioner that he is the owner of the petition mentioned articles, in order to prove the same, he has not produced the documents as, he alone purchased those articles. Accordingly, the petitioner has not shown prima facie evidence to show that he is the owner of the properties.

7. Further the petitioner belatedly preferred this Criminal Revision Case and it creates some suspicious circumstances over the claim of the petitioner. Therefore, in the absence of any evidence that the petitioner is the owner of the properties, if the properties were returned to the petitioner, being the accused, he may try to tamper the evidence by selling the same to any other person. Further as of now 10 witnesses were examined on the side of the prosecution and only six witnesses yet to be examined on the side of the prosecution. Therefore, in the said circumstances, it would appropriate to dispose this revision with some direction.

8. In view of the above discussions, the learned Judicial Magistrate No.VII, Coimbatore is directed to dispose the case in



C.C.No.687 of 2020, within a period of six months from the date of receipt of a copy of this Order. In other wise, the prayer sought by the petitioner is declined.

9. With the above direction, this Criminal Revision Petition is disposed of.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rts
To

1. The Judicial Magistrate No.VII,
Coimbatore
2. The Inspector of Police,
Central Crime Branch,
Coimbatore.
3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to M/s.P.Pon Pandian, Advocate Sr.24102

Cr1.RC.No.438 of 2022

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srg 27/04/2022