



WEB COPY

Crl. R.C.(MD)No.960 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 21.12.2021

DELIVERED ON : 25.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.960 of 2021

Ruby Priskillal

.. Petitioner/Petitioner

Vs.

The State represented by its
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No.497/2018

.. Respondent/Respondent/
Complainant

Prayer : This criminal revision case filed under Sections 397 and 401 of Cr.P.C., to call for the records relating to the impugned order passed in Cr.M.P.No.1261 of 2021 on the file of the Judicial Magistrate No.II, Sattur, dated 12.08.2021, and to set aside the same and consequently, to direct the respondent police to hand over the key of the petitioner's medical store and to remove the seal and allow this revision.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mrs.M.Aasha
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the impugned order passed, in Cr.M.P.No.1261 of 2021, on the file of the Judicial Magistrate No.II, Sattur, dated 12.08.2021, and consequently, to direct the respondent police to hand over the key of the petitioner's medical store and to remove the seal.

2. A case, in Crime No.497 of 2018, was registered against one Prabhakaran and Anantharaj, under Sections 419 and 420 I.P.C. The premises was sealed by the Government officials. The petitioner claiming herself as the owner of the premises, filed a petition in Cr.M.P.No.1261 of 2021, for return of the Key. That petition was dismissed by the Judicial Magistrate No.II, Sattur, on 12.08.2021.

<https://hcservices.ecourts.gov.in/hcservices/>



Against the same, the petitioner has approached this Court by way of this Criminal Revision.

3. On the side of the revision petitioner, it is stated that the case was registered against two persons, for giving treatment without any qualification. The revision petitioner was running a medical shop in the same premises under the name and style of "Swetha Medicals". The revision petitioner has no connection with the Well Care Hospital and the revision petitioner is having valid license to run the medical shop and prayed that the Key has to be handed over to the revision petitioner.

4. On the side of the respondent, it is stated that the revision petitioner is the second wife of one of the accused. If the Key is handed over to the petitioner, there is every possibility of the evidences to be fabricated. The shop is inside the Well Care Hospital and the shop cannot be opened, unless the Hospital is opened and that the handing over the Key will amount to opening of the unauthorised medical practice and prayed that the petition to be dismissed.

5. It is seen that the premises of the medical shop is inside the premises of the Well Care Hospital. The total premises was under the same Lock and Key. The hospital was closed, since it was run by the persons, who are not Medically qualified. In the above circumstances, handing over the Key of the medical shop will amount to handing over the Key of the Hospital itself. It is stated that the petitioner is a relative of one of the accused and there is possibility of the evidences to be destroyed. Hence, there is nothing sufficient enough to interfere in the orders of the trial Court.

6. In the above circumstances, this Court is not inclined to return the Key to the revision petitioner. Hence, this Criminal Revision Case is dismissed. However, the trial Court is directed to dispose of the case within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Judicial Magistrate No.II,
Sattur.

2.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

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

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25.01.2022

MGJ(08.02.2022) 3P 4C