



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Monday, the Thirteenth day of March Two Thousand and Twenty Three
PRESENT

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The Hon`ble Mrs.Justice R.THARANI

CRL.MP(MD)No.3796 of 2023
in
CRL OP(MD) . No.10195 of 2021

Tamilnadu Mercantile Bank LTD
Rep by its Branch Manager
Mr. Nageswaran, T.Kallikulam Branch,
Radhapuram Taluk,
Tirunelveli.

... Petitioner/Petitioner/3rd party

Vs

1 The Sub Inspector of Police,
Vallioor.
Tirunelveli. (Cr.No.415/2009)

...1st Respondent/1st Respondent

Navis (Late)

...3rd Party/De-facto-Complainant

2 Pappu @ Papammal

...2nd Respondent/1st accused/
1st Accused(now Acquitted)

3 Malayammal

...4th Respondent/2nd Accused/2nd Accused
(now Acquitted)

Prayer in Crl.OP(MD)10195 OF 2021:-

This Criminal Original Petition is filed under section 482 of CR.p.c., to set aside the order of return passed by the Learned Judicial Magistrate, Vallioor dated 04/02/2021, 05/02/2021 and 24/02/2021 in Crl.M.P.Unnumbered of 2021 and direct the Learned Judge to entertain the said petition and dispose it on merits within a time period to prescribed by this Hon'ble Court.

Prayer in CRL.MP(MD)No.3796 of 2023:-

This Criminal Petition is filed under 482 of Criminal Procedure Code, to extend the time granted to the petitioner in Crl.O.P.(MD) No.10195 of 2021 dated 31.08.2021 for a further period as prescribed by this court to represent the application and thus render justice.



ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.Dilip Kumar, Advocate for the Petitioner and of Mr.M.Sakthi Kumar, Government Advocate for first the respondent, this Court made the following order:

"On the side of the petitioner, it is stated that some jewels pledged with the Bank was seized by the police in connection with a Criminal case. When the criminal case was disposed of, the Bank filed a petition for return of the jewels. That petition was returned by the Trial Court and the petitioner approached this Court for a direction in Crl.O.P.(MD)No.10195 of 2021 and this Court has granted 15 days to file a fresh petition before the trial Court. The petitioner could not file a petition within the time limit prescribed by this Court, due to the delay in getting sanction order from the authorities and higher officials and that there was a delay and pray the time limit to be extended for re-submitting the petition.

2. There is no objection on the side of the prosecution.

3. It is seen that the jewels were pledged with the Bank and the Bank is having some right over the property. The original complainant in the criminal case had filed a petition for return of the jewels and that petition was dismissed, pending the trial. There is no appeal against the order passed by the Trial Court.

4. In the above circumstances, an opportunity for the Bank is to be granted in the interest of justice. Hence this petition is allowed and one month time from the date of receipt of copy of this order is granted to the petitioner for re-submitting the petition "

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

TO

1.The Sub Inspector of Police,
Vallioor,
Tirunelveli.

2.The Judicial Magistrate,
Valliyoor.



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CRL.MP(MD)



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+1 CC to M/s.N.Diipkumar, Advocate(SR-15433[F] dated 15/03/2023)

ORDER DATED : 13/03/2023

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EXTENSION OF TIME

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CRL.MP(MD)No.3796 of 2023
in

CRL OP(MD). No.10195 of 2021

SI/(14.06.2023) 3P/ 3C