



Crl.R.C(MD)No.210 of 2018

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.04.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

**Crl.R.C(MD)No.210 of 2018**

R.Vignesh ... Petitioner/Defacto Complainant

Vs.

1.Manikandan ... 1<sup>st</sup> Respondent/Accused

2.The Inspector of Police,  
Ayyepettai Police Station,  
Thanjavur.  
(Crime No.22 of 2016) ... 2<sup>nd</sup> Respondent/Dejure Complainant

3.The Indian Bank,  
Kumbakonam.

4.Latha

5.Vijayalakshmi ... Respondents 3 to 5

(R3 suo motu impleaded vide order dated 12.04.2018  
in Crl.R.C(MD)No.210 of 2018)  
(RR 4 & 5 impleaded vide order dated 11.07.2018  
in Crl.M.P(MD)No.5321 of 2018)

**PRAYER:** Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records relating to the order passed in Crl.M.P.No.872 of 2017 on the file of the learned Judicial Magistrate No.III, Thanjavur, dated 01.09.2017 and to set aside the same and allow the petition filed under Sections 451 and 457 of Cr.P.C.



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For Petitioner : Mr.K.P.Ramesh  
For R – 2 : Mr.M.Vaikkam Karunanithi  
Government Advocate (Crl. Side)  
For RR 1, 3 & 4 : No appearance

**ORDER**

This revision has been filed as against the order passed in Crl.M.P.No.872 of 2017, dated 01.09.2017, on the file of the learned Judicial Magistrate No.III, Thanjavur, thereby dismissing the petition filed under Sections 451 and 457 of Cr.P.C.

2.The petitioner is the defacto complainant. He lodged the complaint alleging that he was running a wholesale Gold Jewelry business at Coimbatore. While being so, on 30.01.2016 at about 12.15 a.m., he had started from Coimbatore to Thanjavur by Semmozhi Express with his 1900 grams of gold jewels in order to supply them to the jewelry shops situated in Kumbakonam. While he was reaching Thanjavur on 01.02.2016 at about 06.15 a.m., the petitioner had boarded the bus bearing Registration No.TN-68-N-0711 and proceeded to Kumbakonam. When the bus reached at Ayyempettai bus stop, the petitioner found that his bag containing the jewels was missing.



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3. On receipt of the said complaint, the second respondent registered the F.I.R in Crime No.22 of 2016. During the investigation, the second respondent found one accused had stolen the jewel bag from the petitioner. The second respondent recovered only, 1340 grams of jewels from the first respondent/accused. The recovered jewels were produced before the learned Judicial Magistrate No.III, Thanjur and the same was returned to the petitioner. However, the second respondent failed to recover the remaining jewels of 492 grams. Out of 492 grams, the first respondent/accused herein pledged 67.500 grams of gold in the Indian Bank, at Sundaraperumal Kovil, Kumbakonam. However, the second respondent failed to recover the said jewels belonging to the petitioner. Without even recovering the jewels, the second respondent completed the investigation and filed a final report and the same has been taken cognizance in C.C.No.32 of 2016 on the file of the learned Judicial Magistrate No.III, Thanjavur. So far, the prosecution had examined P.W.1 and P.W.2 and the trial is still pending without examination of other witnesses. In the meanwhile, the petitioner filed a petition in Crl.M.P.No.872 of 2017 on the file of the learned Judicial Magistrate No.III, Thanjavur, for direction to direct the second respondent to recover 67.500 grams of gold



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jewels which was pledged by the first respondent with the Indian Bank, Sundaraperumal Kovil, Kumbakonam and produce the same before the trial Court. However, the trial Court, by an order, dated 01.09.2017, dismissed the petition only on the ground that the second respondent already completed the investigation and filed a final report and therefore, the trial Court has no jurisdiction to entertain the petition to issue any direction to the second respondent. Further, observed that the said direction would amount to an order for further investigation.

4. Admittedly, the first respondent/accused had pledged the jewel weighing 67.500 grams with the Indian Bank, Sundaraperumal Kovil, Kumbakonam. The second respondent failed to recover the same. Though the second respondent completed the investigation and filed a final report, there is absolutely no impediment for the second respondent to conduct further investigation in order to recover the jewel which was pledged by the first respondent.



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5.In view of the above, the order passed in Crl.M.P.No. 872 of 2017, dated 01.09.2017, on the file of the learned Judicial Magistrate No.III, Thanjavur, is set aside and the second respondent is directed to recover the jewel, which was pledged by the first respondent with the Indian Bank, Sundaraperumal Kovil, Kumbakonam, within a period of two weeks from the date of receipt of a copy of this order and produce the same on the file of the learned Judicial Magistrate No.III, Thanjavur. Thereafter, the petitioner is at liberty to file a proper application for return of the said property in the manner known to law.

6.Accordingly, this Criminal Revision Case is allowed.

**25.04.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes  
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To

- 1.The Judicial Magistrate No.III,  
Thanjavur.
- 2.The Inspector of Police,  
Ayyepettai Police Station,  
  
Thanjavur.
- 3.The Indian Bank,  
Kumbakonam.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.K.ILANTHIRAIYAN, J.**

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Order made in  
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**25.04.2023**