



CRL OP(MD)No.6948 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.07.2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)No.6948 of 2024

Srinivasa Iyyangar @ Srinivasan

... Petitioner/Sole Accused

Vs

1.The Inspector of Police,
District Crime Branch,
Ramanathapuram.
[Crime No.5 of 2024]

(*)2. T.Sankar,
Deputy Commissioner (Verification),
Hindu Religious and Charitable Endowments Department,
Sivagangai.

... Respondents

(*)[R-2 suo motu impleaded as per order of the court
dated 28.06.2024 in CRL OP(MD)No.6948/2024 by BPJ]

For Petitioners	:	Ms.J. Madhu
For Respondent No.1	:	Mr.M.Sakthi Kumar
		Government Advocate (Crl.Side)
For Respondent No.2	:	Mr.V.Chandrasekar, Advocate
For Intervenor	:	Mr.C.Arul Vadivel @ Sekar, Senior Counsel for Mr.S.Sivaprakash

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioner, an Archagar / Sthanigar of Arulmighu Adhi Jaganatha Perumal Thirukovil, Thirupulani, apprehending arrest for the offences punishable under Sections 406 and 408 of IPC in Crime No.5 of 2024 on the file of the respondent police has filed this application, seeking anticipatory bail.

2.The case of the prosecution is that the Executive Secretary of Diwan, Sthanigar and Peshkar of Ramanathapuram samasthanam has lodged a complaint before the respondent police on 30.03.2024 that on 29.11.2023 while verifying the jewels of Arulmighu Adhi Jaganatha Perumal Thirukovil, Thirupulani, 30 gold ornaments from the additional list of the trustee and 16 silver ornaments were missing. Therefore a complaint has been lodged as against this petitioner that he has committed a breach of trust of the temple jewels, which were entrusted to him.

3.The learned counsel appearing for the petitioner submits that the petitioner is the Archagar / Sthanigar of this temple from the year 2006. This temple is maintained by the Ramanathapuram samasthanam as hereditary trustee under the supervision of the Joint Commissioner of HR & CE Department, Ramanathapuram. According to the petitioner, the jewels and valuable articles of the temple are maintained by the hereditary trustee and are kept in safe custody in Ramanathapuram samasthanam. As per the customary practice, during auspicious days and festival days, the hereditary trustee hand overs the gold ornaments to the petitioner for adorning the



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deity and the same is returned to the trustee after festival is over.

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4.The learned Counsel further submits that as per the Tamil Nadu Hindu Religious and Charitable Endowments Act, the petitioner falls under Group B category XXXII (indoor Employee). As per the Act, a separate Register is maintained by the office of the Joint Commissioner, HR & CE, Ramanathapuram, for handing over the jewels and there is no possibility for the petitioner herein to take away the jewels. The complaint in Crime No.5 of 2024 was lodged as against this petitioner in order to safeguard the real offenders. Further she has relied upon the Religious Institutions Custody of Jewels, Valuables and Documents and Disposal Rules, 1961 which prescribes the procedure for maintenance of jewels. By referring to Rules 5, 6, 7, 8 and 9 of the said Rules the learned counsel submits that the trustee and the Executive Officer are responsible for the maintenance of the jewels. However, if jewels are entrusted with Archagar or any other office holder, the Trustee has to obtain a written acknowledgment / written Muchalika from them or a bond of undertaking for the responsibility. The trustee has to periodically verify the so entrusted jewels and valuables.

5.The learned Senior counsel for the defacto complainant / Executive Secretary of Diwan of Ramanathapuram Samsthanam has also filed an application, seeking permission to intervene in this petition. He submits that under the administration of



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the Ramanathapuram samasthanam, there are 111 listed and non-listed temples in and around the districts of Ramanathapuram, Sivagangai, Madurai, Virudhunagar and a few other districts in this State. Except the ornaments needed for performing regular poojas, all the other ornaments are kept in a separate box in the Treasury of the Ramanathapuram samasthanam. The keys of the said boxes are in the exclusive possession of Sthanigars, who is the petitioner in this case. The daily used jewels (Sathupadi) kept in the temple are also in the custody of Sthanigar. The jewels of all the temples are kept in the strong room in the samasthanam. The strong room has two doors. The first door has two locks. The key of one lock of the first door and the key of the second door is with the cashier. The key of the another lock of the first door is with the manager. Their presence is required for opening the first door.

6.He further submits that the Sthanigar usually gives a list of jewels he requires for adorning the god during festival times. After noting down the items in the register maintained by the Ramanathapuram samasthanam, the doors of the strong room is opened. As a customary practice, only Sthanigar would get inside the strong room and open the jewel box of the Arulmighu Adhi Jaganatha Perumal Temple, Thirupullani using the key which is in his exclusive possession. After taking the jewels, the jewel box would be sealed by the petitioner using his own seal. The list of items which are taken by the petitioner on various occasions, are recorded, the same



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is signed and attested by other officials. While returning the jewels, the number of items is checked with the entries made in the register. After that, it is only the petitioner, who gets inside the strong room to keep the jewels in the jewels box and he lock and seals the box. While returning out of the strong room, he could very well take away the jewels from the jewel box and the possibility of petitioner taking away the jewels cannot be ruled out. Since he is holding a respectable post of Sthanigar and it being a hereditary post, no personal search would be conducted when he comes out of the strong room. Using this opportunity, he has misappropriated the jewels of the temple. He further submits that when ornaments of the said temple were checked by the administrator of the samasthanam on 28.11.2023 and 29.11.2023 in the presence of the petitioner, 30 gold ornaments were found missing. When an explanation was sought from the petitioner about the missing ornaments, he gave a written statement admitting that the gold jewels were not produced by him during the inspection. Subsequently, on 30.11.2023, a memo was issued to the petitioner by the defacto complainant and the petitioner was directed to hand over the missing ornaments. The petitioner gave a letter dated 13.12.2023 to the defacto complainant stating that he took responsibility for the missing jewels and also assured that he would hand over the missing jewels and sought time till 31.12.2023. But he did not return the jewels on 31.12.2023. Instead he gave another letter dated 31.12.2023 to the defacto complainant



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stating that he took responsibility for the missing jewels and sought for further time till 29.02.2024. But he did not return the jewels to the samasthanam. Therefore the petitioner was suspended by the defacto complainant vide order dated 01.03.2024. The defacto complainant has preferred the complaint against the petitioner before the first respondent on 06.03.2024.

7.She further submits in the earlier occasion, the petitioner replaced with spurious jewels for original jewels and the same was identified, while weighing it on 09.09.2022. When the petitioner was asked about the same, he tendered apology for his act and returned the original jewel through his son-in-law T.Ramesh on 12.09.2022. Therefore no criminal complaint was registered as against him. On 27.03.2023, the petitioner has only taken 19 items to adorn the deity. There is no chance of missing of the ornaments of the temple without the knowledge of the petitioner. The jewel box can be opened only with the key available with him and no one has access to the same. Therefore, it is clear that the petitioner by misusing his authority and taking advantage of the possession of the keys of the jewel box, has misappropriated the jewels of the temple worth about Rs.75 Lakh.

8.Considering the rival submissions made this Court by order dated 11.06.2024 granted an interim anticipatory bail to this petitioner enabling him to appear before the respondent police for interrogation from 13.06.2024. This Court has also directed



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the respondent police to file a status report before this Court on 27.06.2024. The

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respondent police has filed the status report as under :

“The ornaments were kept in safety locker in Treasury situated in Ramanathapuram samasthanam. The safety locker was in possession of the petitioner.

The petitioner's continuous denial of allegations as against him and refusing to tell the truth that how ornaments were missing, when the key was in full in charge of his custody and he has no explanation about the first instance when the defacto complainant approached him and asked about the missing ornaments.”

9. Being not satisfied with the above report, this Court by order dated 28.06.2024 suo motu impleaded Deputy Commissioner (verification), Hindu Religious and Charitable Department, Sivagangai as party to this petition and directed him to file a report in respect of missing of the jewels, maintained by Ramanathapuram samasthanam. This Court also directed the Senior Panel Counsel for the HR and CE Department to assist the Deputy Commissioner in filing the report.

10. Pursuant to the order above, the Deputy Commissioner (Verification) has filed a report before this Court that the Ramanathapuram samasthanam was appointed as hereditary trustee for 111 temples in Ramanathapuram, Sivagangai and



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a few other districts. The jewels and other available articles of this temple are maintained in separate jewel box in the samasthanam. The jewel box is maintained in the samasthanam by the respective Sthanigar of the temples. It is also stated that these jewel boxes are maintained in a separate room with a double lock system. One key was maintained by the Treasurer of the samasthanam and another key was maintained by the manager of the samasthanam. However the lock and the keys of the respective jewel boxes of the respective temples are maintained separately by the Sthanigars of the temple. Sthanigar is also provided with separate seal. The Sthanigar alone is permitted to enter into the room and to take the jewels and the utensils required for the poojas after making entries in the register by the Manager and Treasurer. However it appears that the Manager and Treasurer of the Ramanathapuram samasthanam are not accompanying the Sthanigars into the room, while they are taking the jewels. Therefore, by taking this opportunity, the Sthanigars would have taken the jewels. It is also further stated that the inventory was taken by the HR & CE Department, along with officers of the samasthanam in the year 1990 and 1994. Some new jewels were also added in the year 2010 and therefore, a list was prepared in the year 2010. The petitioner's father was the Sthanigar and after his demise, the petitioner became the Sthanigar of the temple. As per the list of the year 1990, there is a shortage of 27 gold ornaments and 15 silver



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articles and a gold ornament of 38 grams was replaced with a 18 grams gold ornament. The jewels of 1994 list were in-tact. There is a shortage of one gold and silver ornament of the 2010 list and according to the report out of 2249 grams of silver articles entrusted with this petitioner / Sthanigar, there is a shortfall 84 grams of silver. This verification done by the Deputy Commissioner (Verification), HR & CE Department, Sivagangai in the presence of HR and CE Department Counsel Mr.V.Chandrasekar, Technical Assistant of Tirunelveli, Diwan of samasthanam, the Advocate of samasthanam and also in the presence of the Sthanigar and his Advocate on 15, 17, 18, 19 and on 22.07.2024. The Deputy Commissioner and the Senior Panel Counsel have made certain recommendations for the safe custody of the jewels in their report dated 20.07.2024.

11.This Court considered the rival submissions made and perused the materials placed on record.

12.Though the learned Counsel for the petitioner has raised certain grounds by shifting the blame on the samasthanam, the report filed by the Deputy Commissioner (Verification) HR and CE Department, Sivagangai reveals that not only this Arul Mighu Adhi Jeganatha Perumal Temple at Tirupulani, in all 110 other temples maintained by the samasthanam as the hereditary trustee, the jewels of the respective temples are maintained in a separate room in separate jewel box made up of wood.



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The samasthanam is also following a double lock system for the entry to the said room. However the jewel boxes are handled only by the Sthanigars of the respective temples. The Sthanigars after furnishing the list to the Manger of the samasthanam are taking the jewels for daily poojas. Since there are 111 temples maintained by the samasthanam, the Manager and Treasurer of the samasthanam are not monitoring the movements of the Sthanigars in the rooms while handling the jewels. It appears that in this process, the offence might have been committed. However it is a matter for investigation and therefore, this Court is not inclined to discuss more how the offence could have been committed.

13.Arulmighu Adhi Jeganatha Perumal Temple at Tirupulani, is one of ancient and renowned Vaisnava temples. The jewels worth about Rs.75 Lakh of the deity are reported missing. Admittedly the jewels of this temple are maintained by the Sthanigars and by the hereditary trustee. The petitioner's father was the Sthanigar and after his demise, the petitioner maintains the jewels.

14.The learned Counsel for the petitioner submits that there was no inventory of the jewels. However the report of the Deputy Commissioner reveals that there is an inventory by the HR and CE Department in the year 1990 and a valuation was also made by the Department with experts. Thereafter, the valuation was done in the year 1994. While so in the year 2010 a few jewels were added. Three valuation reports of



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the year 1990, 1994 and 2010 are available.

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15.The petitioner claims that he is the Sthanigar of the temple from the year 2006. The jewels are missing from the list of 2010 also. The report also reveals that an ornament of 38 grams gold was replaced with a jewel of 18 grams gold.

16.This Court is also taking note of the fact that in the year 2022 also some jewels were missing, the petitioner has been held responsible and he has returned the jewels through his son in law one Ramesh in the year 2022. For this incident there was no complaint from the samasthanam, which enabled the accused to indulge in further offence. Considering the available materials, this Court is not inclined to grant anticipatory bail to the petitioner. Therefore, this Court is of the view that missing of the jewels can be recovered only by way of custodial interrogation. Accordingly this criminal original petition is dismissed.

17.Further, from the materials placed on record this Court is of the view that the samasthanam in order to prevent this type of offence and any other offence anymore, has to take effective steps. Though the temples were established and maintained by the ancestors of samasthanam, it also has responsibility in maintaining the properties of the deity in-tact. Though there is a double lock system maintained for the entry gate of the treasury, necessary CCTV cameras shall be installed to monitor the handling of the jewels by the Sthanigars and also any other possible



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measures.

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18.This Court is of the view that instead of permitting the Sthanigars to take the jewels themselves, the samasthanam shall handover the required jewels to the respective temples at the time of festivals after obtaining acknowledgment from the Sthanigars or Poosairs. A separate safety wallet / lockers shall be established in all the respective temples for maintaining the jewels, articles and utensils, which are required for the day to day pooja activities in order to avoid missing of the same, during the transit.

19.It appears that after the year 2010, no inventory or valuation has been done. Therefore the HR and CE Department shall also take steps to make an inventory of the jewels, other ornaments, articles, etc., with the hereditary trustee periodically, since the Department is also having responsibilities towards protecting the properties of the temples.

sd/-

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/08/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK



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TO

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1 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
RAMANATHAPURAM.

2 THE DEPUTY COMMISSIONER (VERIFICATION), HR & CE DEPARTMENT,
SIVAGANGAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SIVA PRAKASH, Advocate (SR-8880[I] dated 29/07/2024)

+1 CC to M/s.J.MADHU, Advocate (SR-8914[I] dated 30/07/2024)

ORDER

IN

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Date :29/07/2024

RS/JGB/SAR-(02.08.2024) 13P 6C

Madurai Bench of Madras High Court is issuing
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