

Crl.R.C.(MD).No.254 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.04.2025

PRONOUNCED ON : 04.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.254 of 2025

Krishnan Padmanaban

... Petitioner/Petitioner/ Accused

Vs.

The State of Tamil Nadu,
represented by the CID, Idol Wing,
No.2, Natesan Salai, PTC Campus,
Ashok Nagar, Chennai-600 083.

: Respondent/Respondent/Prosecution

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 BNSS to call for the records relating to the order dated 15.03.2024 made in E-Crl.M.P.No.1238 of 2023 (Crl.M.P.No.3611 of 2023), on the file of the learned Additional Chief Judicial Magistrate / Special Court for Idol Theft Cases, Kumbakonam, reversing the non-entitlement for interim custody of the idols remanded in C.P.No.56 of 2022 and directing the respondent to hand over the custody of Idols under Section 451 of Cr.P.C.



Crl.R.C.(MD).No.254 of 2025

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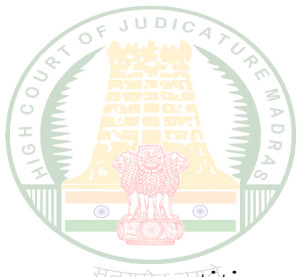
For Petitioner : Mr.V.Karthik
Senior Counsel
for Mr.K.Hema karthikeyan

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

This Criminal Revision is directed against the order passed in E-Crl.M.P.No.1238 of 2023 (Crl.M.P.No.3611 of 2023), dated 15.03.2024, on the file of the Court of Additional Chief Judicial Magistrate / Special Court for Idol Theft Cases, Kumbakonam, dismissing the petition filed under Section 451 Cr.P.C.

2. It is not in dispute that 7 Idols and 2 paintings came to be seized by the respondent police from the petitioner's residence at Chennai and on that basis, F.I.R., came to be registered in Cr.No.37 of 2022, on the file of the respondent police under Sections 41(1)(d), 102 Cr.P.C. It is also not in dispute that the properties recovered were produced before the jurisdictional Court and the same were received and remanded in C.P.No.56 of 2022 and the same are now kept in Shri Nageswaraswamy Temple, Icon Centre, Kumbakonam for safe custody. The

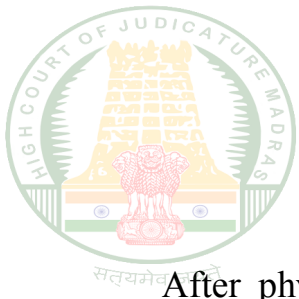


Crl.R.C.(MD).No.254 of 2025

petitioner filed an application in Crl.M.P.No.3611 of 2023 under Section 451 Cr.P.C., seeking interim custody of the Idols. The respondent police has filed counter statement raising objections. The learned Additional Chief Judicial Magistrate, after enquiry, has passed the impugned order dated 15.03.2024, dismissing the petition. Aggrieved by the order of dismissal, the present revision came to be filed.

3. The petitioner claims that he was born in the USA and has worked as an Engineer and Technology Executive, primarily in Silicon Valley, California. He states that his grandmother, a prominent figure in Carnatic music, had collected and kept 9 idols and paintings in her Chennai residence before his birth. Following her demise on 27.08.2005, the petitioner's father inherited these articles and was in custody of them. The petitioner's father left a registered Will dated 18.12.2008, bequeathing the 9 articles and other properties to the petitioner. Upon the father's demise on 26.11.2011, the Will came into effect, and the petitioner asserts that he became the owner of the said articles.

4. The petitioner further claims that he voluntarily applied to the Archaeological Survey of India (ASI) on 19.12.2011 to evaluate the 9 articles.



Crl.R.C.(MD).No.254 of 2025

After physical verification, the ASI indicated on 10.01.2012 that the articles were suspected antiquities. The petitioner stored the articles in Chennai and returned to the USA. Ten years after his father's death, on 15.09.2022, the respondent police enquired about the articles and subsequently sent an electronic communication dated 28.09.2022, directing the petitioner to hand over the articles. The petitioner complied and handed over the 9 items. The respondent police registered an FIR on 29.09.2022 and later served a notice dated 11.09.2023, directing the petitioner to appear for an enquiry. During the enquiry, the petitioner produced the Will and death certificate to establish his inheritance. The respondent police informed the petitioner that 2 of the 9 articles were suspected antiquities, while the remaining 7 were deemed non-antiquities. As directed, the petitioner filed an application under Section 451 Cr.P.C. seeking interim custody of the articles, providing the required undertakings.

5. The respondent police filed a counter statement that when the possession of the Idols is surrounded by the suspicious circumstances and until it is proved to be lawful possession, the petitioner cannot claim the return of the property. The investigation so far conducted would reveal that there is a strong suspicion that the properties might be the stolen properties and unless the



Crl.R.C.(MD).No.254 of 2025

WEB COPY

investigation is completed, the nature of the property cannot be confirmed and that if the properties are returned to the petitioner, he might dispose of or screen them from the respondent police and he will not co-operate for investigation. The petitioner will also not re-produce the property as and when it is required even for the purpose of trial, if the properties are handed over to him on interim custody and that therefore, the petition is liable to be dismissed.

6. It is evident from the records that the petitioner earlier filed a revision before the Principal Seat, which was listed before the roster Judge due to doubts about maintainability. A learned Judge of this Court, taking note of the notification issued by the State Government dated 16.04.2024 designating the Chief Metropolitan Magistrate Court, Chennai and the Additional Chief Judicial Magistrate Court, Madurai as Special Court for Idol Theft Cases, which provides that petitions challenging orders passed after 16.04.2024, would lie only before the Principal Seat and since the impugned order was passed prior to 16.04.2024, the petition would lie before the Madurai Bench of Madras High Court, rejected the criminal revision at the SR stage, with liberty granted to the petitioner to approach the Madurai Bench of Madras High Court, excluding the period



Crl.R.C.(MD).No.254 of 2025

pending before the Principal Seat for the purpose of limitation. In pursuance of the same, the present revision came to be filed before this Court.

7. The respondent police's main objections before the trial Court were that the properties were strongly suspected to be stolen and investigation was pending, making it premature to determine their nature. Additionally, the ASI had identified 2 idols as antiquities, and the petitioner had not provided documentary evidence to establish lawful custody. In their counter affidavit before this Court, the respondent police reiterated that the idols are suspected antiquities, likely stolen from Tamil Nadu temples, and the petitioner has not produced documents to prove lawful possession. They also emphasized that investigation is ongoing and returning the articles could hinder the process, as the petitioner's presence may not be ensured for further interrogation.

8. It is pertinent to note that the petitioner has already moved an application seeking anticipatory bail and this Court in Crl.O.P.No.23010 of 2023, vide order dated 10.10.2023, has granted anticipatory bail.



Crl.R.C.(MD).No.254 of 2025

WEB COPY

9. When the above revision was taken up for hearing earlier on 02.04.2025, the learned Additional Public Prosecutor submitted that they have already sent a letter to the Commissioner, HR&CE Department dated 23.09.2024, to give a report as to whether the Idols referred by them are belonging to any of the temples under his jurisdiction, but the reply is yet to be received, that they have also sent a letter dated 23.12.2022 to the French Institute of Pondicherry to compare the images of Idols and articles attached with the images that are available in their Archivist to find out the origin of the Idols and Temple for the purpose of investigation and their reply is also awaited and that this Court, considering the above submission, directed the Commissioner HR&CE Department and the Archivist, French Institute of Pondicherry to send their replies to the requisition made by the respondent police within a period of two weeks from the date of receipt of a copy of the said order and also directed the respondent police to submit a report with regard to the valuation of 7 non-antiquity Idols.

10. When the matter was taken on 24.04.2025, the learned Additional Public Prosecutor would submit that in pursuance of the directions of this Court, the Archivist, French Institute of Pondicherry has submitted a letter, but they



Crl.R.C.(MD).No.254 of 2025

WEB COPY

have not received any reply from the Commissioner, HR&CE, Department and also any report with regard to the valuation of the Idols as directed by this Court. Considering the said submission, this directed the Commissioner, HR&CE Department to depute an Officer not below the rank of Assistant Commissioner to appear before this Court and to submit a report on the valuation of Idols and reply to the requisition sent by the respondent police for comparison of Idols.

11. In pursuance of the said direction, Thiru.T.G.Hamsan, Assistant Commissioner of Arulmighu Venkatachalapathy Swamy Temple, Oppiliappankoil appeared in person and submitted a report of the Commissioner, HR&CE Department.

12. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

13. It is pertinent to note that the Director of IFP, Research on Culture Environment and Society sent a letter dated 10.04.2025 wherein it has been stated that they searched for 9 images of IW out of 7053 images of IFP/EFEO

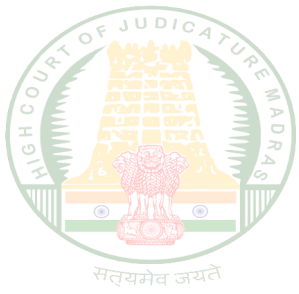


Crl.R.C.(MD).No.254 of 2025

photo collection and unfortunately, 7 metal Idols and 2 artifacts (paintings) did not match their collection.

14. The learned Additional Public Prosecutor filed a typed set of papers producing the proceedings of the Commissioner, HR&CE, Chennai deputing the Assistant Commissioner, Arulmigu Venkatachalapathi Kovil, Uppliappan Kovil to value the items available at Shri Nageswaraswamy Temple, Icon Centre, Kumbakonam and to submit a report, the report submitted by the Assistant Commissioner, dated 26.04.2025 and the letter sent by the Commissioner, HR&CE to the respondent police and also a report of the Commissioner, HR&CE Department.

15. Notably, the Commissioner, HR&CE, and the Joint Commissioner (Legal), HR&CE Department, after receiving reports through subordinate officers, concluded that the assessment of 7 idols showed they did not belong to temples under the HR&CE Department's control. Regarding valuation, the Assistant Commissioner observed that the metal composition can only be done by the Icon Centre at Govt. Museum, Egmore, and that there is no antiquity value, but it is valuable.



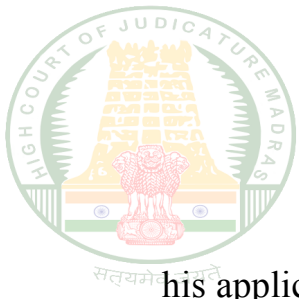
Crl.R.C.(MD).No.254 of 2025

WEB COPY

16. It is now admitted by the respondent police and the ASI that out of the 9 recovered properties, 7 are idols and 2 are artifacts (paintings), and among the 7 idols, the Tara Statue and Buddha statue are identified as antique idols.

17. As rightly contended by the learned Senior Counsel for the petitioner, the reports from the IFP and the Commissioner of HR&CE have clarified that the idols do not belong to any other temple or institution, indicating they are not stolen property. The learned Additional Public Prosecutor would fairly concede this aspect but submit that the petitioner has not produced records to establish lawful custody.

18. The learned Senior Counsel would submit that after his father's death, the petitioner, as the owner of the articles under the Will, approached the ASI on 19.12.2011 to evaluate the 9 articles. Upon the ASI's indication that the articles were suspected antiquities, the petitioner stored them in Chennai and returned to the USA. The respondent police only intervened 10 years later, recovering the articles and registering a case. The Senior Counsel would further submit that the petitioner has filed a writ petition against the ASI, seeking a direction to consider



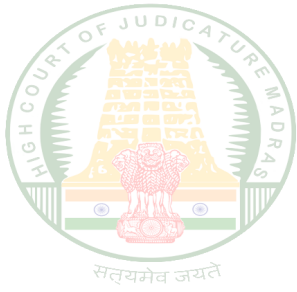
Crl.R.C.(MD).No.254 of 2025

WEB COPY

his application dated 06.10.2022 and register the antiquities, which is pending as W.P.No.18118 of 2024 before the Principal Seat of the Madras High Court. The petitioner has stated in the rejoinder that he has no intention to take the items to America and is willing to return them to any temple if determined to be antiques belonging to a temple. Additionally, he is willing to donate the same to the Government Museum at Egmore, if permissible.

19. The learned Additional Public Prosecutor would submit that given the petitioner's assurance not to take the idols to America, appropriate conditions can be imposed if interim custody is granted to the petitioner.

20. Considering the facts and circumstances of the case, and taking note of the reports submitted by the IFP and the Commissioner, HR&CE Department, this Court is inclined to return the seized properties to the petitioner on interim custody. As noted earlier, the Assistant Commissioner of HR&CE has stated that valuation cannot be done at this stage. Accordingly, the properties remanded in C.P.No.56 of 2022 are ordered to be returned to the petitioner subject to certain conditions.



Crl.R.C.(MD).No.254 of 2025

WEB COPY

21. In the result, the Criminal Revision Case is allowed and the impugned order, dated 15.03.2024 made in E-Cr.M.P.No.1238 of 2023 (Crl.M.P.No.3611 of 2023), on the file of the Additional Chief Judicial Magistrate / Special Court for Idol Theft Cases, Kumbakonam is set aside and the properties remanded in C.P.No.56 of 2022 are ordered to be returned to the petitioner on the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with one surety for the likesum with the solvency certificate issued by the Tahsildar to the satisfaction of the learned Additional Chief Judicial Magistrate, Kumbakonam;

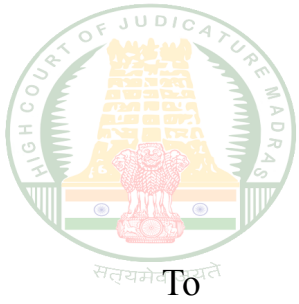
(ii) the petitioner shall not alienate or change the properties;

(iii) the petitioner shall not take the Idols out of India;

(iv) the petitioner shall give an undertaking that he will produce the Idols before the concerned Court as and when directed by the said Court.

04.08.2025

NCC : Yes/No
Index : Yes/No
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Crl.R.C.(MD).No.254 of 2025

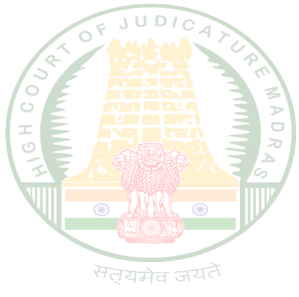
To

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1. The Additional Chief Judicial Magistrate / Special Court
for Idol Theft Cases, Kumbakonam.

2. The CID, Idol Wing,
No.2, Natesan Salai, PTC Campus,
Ashok Nagar, Chennai-600 083.

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



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Crl.R.C.(MD).No.254 of 2025

K.MURALI SHANKAR, J.

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Pre-Delivery order made in

Crl.R.C.(MD)No.254 of 2025

04.08.2025