

Crl.R.C.(MD)No.566 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.04.2025

Delivered on : 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.566 of 2024

Muthoottu Mini Financiers Limited,
rep.by its authorized person,
Lingapooshan.

: Petitioner

Vs.

1.State rep.by the Inspector of Police,
City Crime Branch,
Tirunelveli. Crime No.41 of 2017.

2.Murugan

3.Esakkiammal

: Respondents

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order made in Crl.M.P. No.7024 of 2022 in Crime No.41 of 2017, dated 08.08.2022 passed by the learned Judicial Magistrate No.I, Tirunelveli and set aside the same as illegal.

For Petitioner : Mr.M.Maran

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side) for R1.



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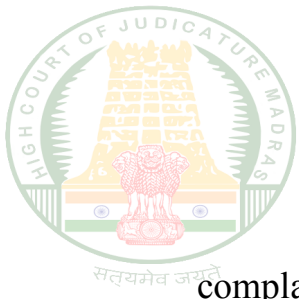
: Mr.N.Pragalathan, for R2.

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.7024 of 2022, dated 08.08.2022 on the file of the Court of the learned Judicial Magistrate No.I, Tirunelveli, dismissing the petition filed under Section 451 and 457 of the Code of Criminal Procedure.

2. On the basis of the complaint lodged by the petitioner company, FIR came to be registered in Crime No.41 of 2017 for the offences under Sections 417, 418 and 420 of IPC against two persons Murugan and Esakkiammal. The respondent police, after completing the investigation, laid the final report against three persons for the offences under Sections 417, 418, 420 and 406 of IPC and the case was taken on file in C.C.No.55 of 2022 and is pending on the file of the Judicial Magistrate Court No.I, Tirunelveli.

3.The case of the prosecution is that all the accused had pledged gold coated fake jewels as if they are gold jewels and obtained loans from the



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complainant company to the tune of Rs.10,20,100/- and thereby committed the offences under Sections 417, 418, 420 and 406 of IPC.

4. It is not in dispute that the respondent police has recovered the spurious gold jewels from the complainant and produced the same before the jurisdictional Magistrate Court and that the same came to be received and remanded in P.R.No.293 of 2018 on the file of the Court of the Judicial Magistrate No.I, Tirunelveli. The defacto complainant company has then moved an application before the jurisdictional Magistrate Court under Section 451 r/w 457 of Cr.P.C, seeking interim custody of the jewels recovered in Crl.M.P.No.7024 of 2022 and considering the objections raised by the prosecution, the learned Magistrate has passed the impugned order, dated 08.08.2022, dismissing the said petition. Aggrieved by the impugned order of dismissal, the present Criminal Revision came to be filed.

5.The learned counsel for the petitioner would submit that only on the basis of the complaint lodged by the petitioner company, FIR came to be registered against the accused and during investigation, the petitioner company handed over the jewels to the respondent police and that therefore,



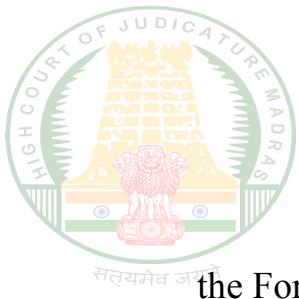
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the order refusing to return the jewels to the petitioner company cannot be sustained.

6. The learned counsel for the petitioner would further submit that the respondent has already completed the investigation and filed the charge sheet before the jurisdictional Court; that the State Forensic Science Lab has already examined the seized articles and gave a report on the nature and purity of the articles and that therefore, the prosecution has not raised any objection to return the articles to the petitioner company and that too as interim custody.

7. The learned counsel for the petitioner, in the grounds of the revision itself would rely on the decision of the Hon'ble Supreme Court in the case of ***Sundarbai Ambalal Desai Vs. State of Gujrat*** reported in ***2003 2 KLT 1089 (SC)***. At the out set, it is pertinent to note that the petitioner company has lodged a complaint alleging that the company was cheated by the accused by pledging the spurious gold jewels and obtained loans. Even according to the petitioner company, the jewels alleged to have been pledged by the accused are fake and spurious jewels. It is not in dispute that the jewels were sent to



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the Forensic Lab and a report came to be received on the nature and purity of the jewels in dispute.

8. It is also not in dispute that the respondent police, after completing the investigation has already filed the final report and the same was taken cognizance in C.C.No.55 of 2022 and is pending on the file of the Court of the Judicial Magistrate No.I, Tirunelveli.

9. When the jewels recovered from the petitioner company are spurious, this Court fails to understand the purpose of seeking interim custody. The petitioner's application under Section 451 r/w 457 of Cr.P.C. lacks specificity regarding the need for these jewels. Returning the jewels could enable the accused to claim they were substituted, potentially hindering the case's disposal.

10. Considering the facts and circumstances of the case and taking note of the fact that the properties now sought to be returned are spurious jewels even as per the case of the complainant, the impugned order dismissing the petition filed under Section 451 r/w 457 of Cr.P.C., by the



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learned Judicial Magistrate cannot be found fault with. Consequently, this Court concludes that the Criminal Revision Petition is devoid of merits and the same is liable to be dismissed.

11. In the result, the Criminal Revision Petition is dismissed.

04.06.2025

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

- 1.The Judicial Magistrate No.I, Tirunelveli.
- 2.The Inspector of Police,
City Crime Branch, Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

DAS

Pre-delivery order made in
Crl.R.C.(MD)No.566 of 2024

Dated: 04.06.2025