

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.9414 of 2015

Karupanna Gounder @ Karupannan

.. Petitioner

Vs.

1. Inspector of Police
Bungalow Pudur Police Station
Gobichettipalayam
Erode

2. Govindaraj @ Selvan
3. Veeran
4. Jaganathan

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct to return the properties belonged to petitioner/defacto complainant M.O.14 to M.O.17 as per the petition filed before the learned Principal Sessions Judge at Erode in S.C.No.194/2012.

For Petitioner : Mr.Na.Thara

For Respondent-1 : Mr.M.Mohamed Riyaz
Government Advocate (Crl.side)

ORDER

Seeking a direction to return the properties belonged to the petitioner/defacto complainant M.O.14 to M.O.17 as per the petition filed before the learned Principal Sessions Judge at Erode in S.C.No.194/2012, the petitioner has come up with this petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent police.

3. It is the case of the prosecution that four accused had entered into a criminal conspiracy to commit murder and in the course of conspiracy, they committed the murder of Santhamani and Mythili on 16.10.2008. The Police registered a case in Crime No.246 of 2008 for the offences punishable under sections 120(8), 449, 364, 302 r/w 34 and 201 IPC and arrested the four accused. After completing the investigation, they filed a charge sheet before the learned Judicial Magistrate No.1, Gobichettipalayam. After committal, the case was taken on file as S.C.No.194 of 2012 before the learned Principal Sessions Judge, Erode. During the course of

trial, after examination of the accused under Section 313 of Cr.P.C, the second accused Ramesh @ Thangham @ Thangaraj absconded and that the case against him was split up and the case against the other three accused was proceeded. The trial court, after considering the evidence on record, acquitted the three accused (A.1, A.3 and A.4) by judgment dated 5.2.2014.

4. During the course of trial, it appears that certain Material Objects belonging to the defacto complainant, namely M.O.14 to M.O.17 were marked. Now the petitioner/defacto complainant is seeking return of those articles. When the petitioner/defacto complainant made an application before the trial court, the same was returned by the trial court by order dated 25.3.2015 on the ground that the connected case in S.C.No.148/2013 is pending against the absconding accused Ramesh @ Thangham @ Thangaraj (A.2).

5. Considering the submissions of the learned counsel on either side, this Court is of the view that the petitioner/defacto complainant should not be put to hardship on the ground that one of the accused is absconding and that it would be in the interest of justice, if articles are directed to be returned to the petitioner/defacto complainant.

6. Hence, the trial court is directed to take photographs of the articles, namely M.O.14 to M.O.17 and also prepare a detailed inventory of the same and keep that as evidence as against the absconding accused and return the Material Object Nos.14 to 17, on proper identification, to the petitioner/defacto complainant. The petitioner/defacto complainant shall also adduce evidence before the trial court in S.C.No.148/2013 when it comes for trial and state that he has received the articles on the directions of this Court.

7. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr
To

1. Inspector of Police, Bungalow Pudur Police Station,
Gobichettipalayam, Erode
- 2.The Public Prosecutor, High Court, Madras.
3. The Principal Sessions Judge, Erode.
- + 1 cc to Mr.Na.Thara, Advocate Sr.20485

Cr1.OP No.9414 of 2015

SKV(CO)

Eu 28.04.2015