

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.971 OF 2015

ORDER:

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1. This Criminal Petition is filed by the petitioner, who is the de facto complainant in C.C.No.497 of 2012 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad, seeking a direction to the learned Magistrate to release the articles viz., item Nos.1, 2, 4, 7, 8, 10, 13, 14, 22, 23, 24, 25, 27 and 29 of Form No.66 produced by the police, on the same terms and conditions imposed earlier by this Court in Crl.R.C.Nos.1220 and 2356 of 2012.

2. The accusation made against the 2nd respondent-accused in the above C.C. is that he took away the gold jewellery from the petitioner by making false promises. During the pendency of the above case, the petitioner filed Crl.M.P.No.2689 of 2012 seeking interim custody of 81 tulas of gold jewellery, which was seized from Infoline Finance Limited, with which the accused pledged such gold jewellery. The trial Court dismissed the said application. Aggrieved by the same, the petitioner-complainant filed Crl.R.C.No.2356 of 2012 before this Court, whereas the 3rd respondent-Infoline Finance Limited filed Crl.R.C.No.1220 of 2012 before this Court against the dismissal of the application viz., Crl.M.P.No.839 of 2012 filed by it for interim custody of the gold jewellery. Both the Crl.R.Cs were disposed of by this Court on 30.9.2013 with a direction to release the articles mentioned in the said order to the interim custody of the de facto complainant.

3. Now, it is the case of the petitioner that while hearing the matter in Crl.R.C.No.2356 of 2012, this Court directed the petitioner to give the details of the ornaments, which are necessary for the purpose of wearing at the time of functions and occasions and accordingly, he gave list of articles to the Court, and by order dated 30.9.2013, this Court disposed of Crl.R.C.No.2356 of 2012 directing to give interim custody of the articles mentioned in the order, on condition of the petitioner executing a bond for a sum of Rs.2,00,000/- with one surety for like sum, and on condition that he shall not alter the nature of the property and shall not transfer or

alienate the same. It is stated that after obtaining the said order, the same was placed before the trial Court for compliance. But the trial Court has sought for clarification as the articles described in the order dated 30.9.2013 are not matching with the articles mentioned in the charge sheet. Hence, the petitioner filed a petition for modification and this Court modified the earlier order on 10.7.2014 and described the articles. But the trial Court expressed difficulty in releasing the gold articles as there was a mistake on the part of the police concerned with regard to list of articles. The articles mentioned in the charge sheet are not tallying with the list of articles placed before the trial Court, vide Form No.66. Therefore, the petitioner was advised to get a separate order. Hence, the petitioner approached this Court.

4. Heard and perused the material available on record.

5. Considering the facts and circumstances of the case and in view of submissions made by the learned Counsel for the petitioner that the list of articles mentioned in the earlier order passed in CrI.R.C.Nos.1220 and 2356 of 2012 is not tallying with Form No.66 submitted by the police, the learned XVII Additional Chief Metropolitan Magistrate, Hyderabad, is directed to release the following articles mentioned in Form No.66, to the petitioner on the same terms and conditions that were imposed by this Court in CrI.R.C.Nos.1220 and 2356 of 2012, instead of the articles that were ordered to be released earlier in the above CrI.R.Cs.

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<u>Item Number as per Form No.66.</u>	<u>Description of Article</u>	<u>Weight</u>
1	Bangles – 11	123 gms+700 mgm
2	Bangles-10	126 gms + 850 mgm
4	Bracelet -1	10 gms+ 050 mgm
7	Tops -2	3 gms +230 mgm
8	Black Bid chain -1	29 gms + 370 mgm

10	Rings -3	11 gms+460 mgm
13	Tops (Brace screws)-2	6 gms +020 mgm
14	Chain with locket-1	7 gms+590 mgm
22	Necklace with stone	29 gms+470 mgm
23	Necklace with stone	41 gms+760 mgm
24	Long Necklace	59 gms+310 mgm
25	Chain with locket	19 gms+030 mgm
27	Bangles- 6	79 gms+960 mgm
29	Ear hang rings-2	4 gms+770 mgm

6. With the above direction, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 18th November, 2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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