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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 475/2012

SUSHMA

..... Petitioner

Through Mr.H.S. Gautam, Adv.

versus

UMESH PANT ORS

..... Respondents

Through

Mr.Deepak, Adv. for R1.

Mr. M.P. Singh, APP for the State.

SI Sunil Kumar PS Tilak Marg.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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03.12.2015

The petitioner has challenged the order passed in Criminal Appeal which was converted from Criminal Revision Petition No.44/2011 whereby the order of acquittal recorded in favour of the petitioner was reversed and the petitioner was convicted for the offence under Section 380 of the IPC and was given the benefit of probation of good conduct as mandated under Section 360(1) of the Cr.P.C.

Be it noted that the petitioner was a domestic help and was charged for stealing money from the house of the complainant.

The Court of the learned Magistrate gave benefit of doubt to the petitioner as the petitioner was admittedly brought to the police station by the complainant and an amount of Rs.160/- was furnished before the police officers at the instance of the complainant.

The complainant had alleged that on query by his wife, the petitioner

took out such money from her wearing apparel and handed it over. This step was taken by the complainant as on earlier occasions also, many valuable articles were found missing from his house.

The complainant thereafter challenged the judgment of acquittal by way of revision. The aforesaid revision was converted into Criminal Appeal.

As stated earlier, the petitioner was convicted and sentenced on probation of good conduct.

Hence the present revision petition.

During the course of investigation of the case, certain articles namely three watches of different make and two gold rings were seized from the house of the petitioner and those were released on superdari in favour of the complainant. The superdari was later cancelled at the instance of the petitioner. The aforesaid articles were still lying with the police.

The petitioner has preferred an application for release of such articles. The aforesaid application has not yet been acted upon.

Learned counsel for the petitioner, after some arguments, seeks permission to withdraw this revision petition in order to press and move the petition for release of those articles. Learned Magistrate (South Delhi) before whom such an application is pending, is directed to dispose of the application at the earliest after deciding the ownership of the aforesaid articles.

The revision petition is dismissed as withdrawn but with the aforesaid observations.

Let the TCR be sent back forthwith.

ASHUTOSH KUMAR, J

DECEMBER 03, 2015
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