

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4768 OF 2016

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ORDER:
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This petition is filed by the de facto complainant by invoking the provision under Section 482 Cr.P.C. seeking to quash the order dated 28.12.2015 whereby the learned II Additional Metropolitan Sessions Judge, Hyderabad dismissed CrI.R.P.No.264 of 2015 confirming the order dated 14.7.2015 passed by XII Additional Chief Metropolitan Magistrate, Hyderabad dismissing CrI.M.P.No.91 of 2015 in Crime No.146 of 2014 filed by the petitioner for the custody of the property.

Heard.

The petitioner herein filed a complaint before the police stating that 24 tulas of gold and 15 tulas of silver property was stolen, upon which, a case in Crime No.146 of 2014 was registered. The investigating agency arrested the accused and recovered huge property including the property shown by the complainant in Crime No.146 of 2014. Therefore, he filed an application seeking custody of the stolen property mentioned by him in the complaint, which was rejected by both the Courts below.

Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled for custody of the property covered by Crime No.146 of 2014. Hence, the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- with one surety to the satisfaction of the Magistrate concerned and on such execution of bond, the trial Court is directed to return the gold and silver property covered by Crime No.146 of 2014 to the petitioner and also impose necessary conditions as it deems fit, for production of the same during the course of trial.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions filed in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

20th April, 2016.

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