

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.15585 of 2013

ORDER:

This Criminal Petition is filed by the petitioner/complainant aggrieved by the orders in Criminal Revision Petition No.8 of 2013, whereunder the learned Metropolitan Sessions Judge, Cyberabad, while dismissing the CRP, confirmed the Orders dt. 27.10.2010 passed in Crl.M.P.No. 6074 of 2010 in Crime No. 213 of 2009 of

X Metropolitan Magistrate, who dismissed the petition filed by the present petitioner seeking custody of the jewelry seized and produced by the police in the Court.

A perusal of the Order dt. 27.10.2010 in Crl.M.P.No.6074 of 2010 would show that learned Magistrate dismissed the said Petition mainly on the observation that the certificate of Registration of the Firm produced by the petitioner/complainant shows the name of one Suresh as the owner and proprietor of the Mateswari Jewellery shop, whereas the name of the petitioner is Bera Ram. The learned Magistrate thus dismissed the petition observing that the petitioner was not proprietor of the shop where the offence had occurred. The said Order was upheld by the learned Metropolitan Sessions Judge, Cyderabad, in Criminal Revision Petition No.8 of 2013. Hence, the instant Criminal petition by the petitioner.

Learned Senior Counsel for petitioner Sri Bharadwaj submitted that an opportunity may be given to the petitioner/complainant to establish his ownership over the shop, wherein the offence took place, so as to lay the claim in respect of the property which was produced in the Court by the police or

alternatively a direction may be given to the trial Court to dispose of the case expeditiously.

Learned Public Prosecutor submitted that even if the petitioner/complainant is permitted to establish the ownership over the shop, the return of jewelery is not advisable at this stage because the property may be required during trial for identification and establishment of the complicity of the accused in the offence. Hence, he submitted, the trial Court may be given a direction to dispose of the case expeditiously.

On hearing both sides, what the learned Public Prosecutor submitted appears to be true. Even if the petitioner/complainant is given an opportunity to establish his ownership over the shop in question where the offence allegedly took place by setting aside the impugned Orders, it is not advisable to return the property at this stage as it may be required by the trial Court for proving the guilt of the accused. Therefore, the alternative prayer of the petitioner/complainant can be considered. It is informed to this Court that the case is now at the committal stage. Hence, the petitioner can move an application before High Court for expeditious disposal of the case after committal stage is over and Sessions Case is numbered.

With the above observation, this Criminal Petition is disposed of.

Consequently, the miscellaneous petitions, if any, pending, in this case, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 21.03.2016
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HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Crl. P. No.15585 of 2013

Dt. 21.03.2016

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