

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 27.06.2018]

[Pronounced on : 04.07.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.669 of 2018
and
Crl.M.P.No.7772 of 2018

1. Natarajan
2. Amirdham ... Petitioners/Accused 1 and 4

... Vs ...

State Represented by
Inspector of Police,
Paramathy Police Station,
Namakkal District.
(Crime No.195 of 2012). ... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., against the order dated 28.03.2018 passed by the learned Sessions (Fast Track Mahila) Judge, Namakkal, in Cr.M.P.No.36 of 2018 in S.C.No.23 of 2015.

For Petitioners : Mr.D.Shivakumaran
For Respondent : Mr.Hari Hara Arun Soma Sankar.G.
Government Advocate (Crl.Side)

ORDER

The revision petitioners, who are the accused 1 and 4 before the learned Sessions (Fast Track Mahila) Judge, Namakkal, in S.C.No.23 of 2015, seeks to set aside the order dated 28.03.2018 passed by the learned Sessions (Fast Track Mahila) Judge, Namakkal, in Cr.M.P.No.36 of 2018 in S.C.No.23 of 2015.

2. Learned Government Advocate (Crl.Side) takes notice on behalf of the respondent.

3. The case of the prosecution is that the first petitioner had illicit intimacy with other ladies and killed his wife Vijayalakshmi, took away her jewels, destroyed the evidence and committed other offences punishable under Sections 362, 364, 302, 201, 404, 212, 120(b) and 109 IPC.

(*)" 4. It appears that pending committal, the father of the deceased namely Subramanian, who is the father-in-law of the first accused, has filed an application under Section 451 of Cr.P.C before the learned Judicial Magistrate, Paramathy, for interim custody of the gold ornaments worth about 3 crores and based upon the no objection given by the respondent police, the property has been given to the said Subramanian for interim custody. After committal, the case has been taken on file and Sessions case is now posted for examination of witnesses and P.W.6 was also examined. At this Juncture, through P.W.6, who is the mother-in-law of the first accused, M.Os.1 to 3 were marked.

During the cross-examination of the prosecution witnesses, it was projected by the accused that instead of arrest, the real accused and seizing the property, they have taken the property of the first accused and shown as a case property as if seized from the dead body."

5. The revision petitioners have filed a petition under Section 446 of Cr.P.C. before the trial Court in CrI.M.P.No.36 of 2018 in S.C.No.23 of 2015 for cancellation of bond executed by P.W.6/Pappu for taking interim custody of M.Os.1 to 3 on the ground that she is the owner of the property. The trial Court had dismissed the said petition on the ground that on an earlier occasion, during the Civil Miscellaneous Petition filed under Section 451 of Cr.P.C., no objection has been given and hence, rejected the complaint. Hence, the criminal revision.

6. After perusing the order passed by the trial Court and after hearing the learned counsel for the petitioners and the learned Government Advocate, the factual ground is that the father of the deceased namely, Subramanian has filed an application for interim custody of gold ornaments under Section 451 of Cr.P.C. and interim custody of M.Os.1 to 3 was given to the father of the deceased and admittedly, as the said Subramanian had died, the bond executed by him stands abated.

7. When such being the case, the trial Court ought not to have returned M.Os.1 to 3 to P.W.6 on the ground that she is the wife of Subramanian. The deceased is the wife of the first accused Nagarajan. In view of the fact that the father of the deceased to whom interim custody of the jewels was given, had

died and the bond executed by him also stands abated, I hereby direct the learned Sessions Judge, Fast Track Mahila Court, Namakkal, to take necessary steps to retake the possession of M.Os.1 to 3 and to keep the valuable properties in the Court custody during the pendency of the trial as prescribed by the High Court Circular and complete the trial and after completion of trial, necessary property order has to be passed.

8. With these observations, the Criminal Revision Case stands disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Co)

13/07/2018

Modified as per order of this court dated 17.07.2018 in Crl.MP.No.7772/18 in Crl.A.No.669/2018.

Sd/-

Assistant Registrar(CS II)

24/07/2018

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Judicial Magistrate,
Paramathy.

2. The Chief Judicial Magistrate,
Namakkal.

3. The Sessions (Fast Track Mahila) Court,
Namakkal.

4. The Principal Sessions Judge, Namakkal.

5. The Inspector of Police,
Paramathy Police Station,
Namakkal District.

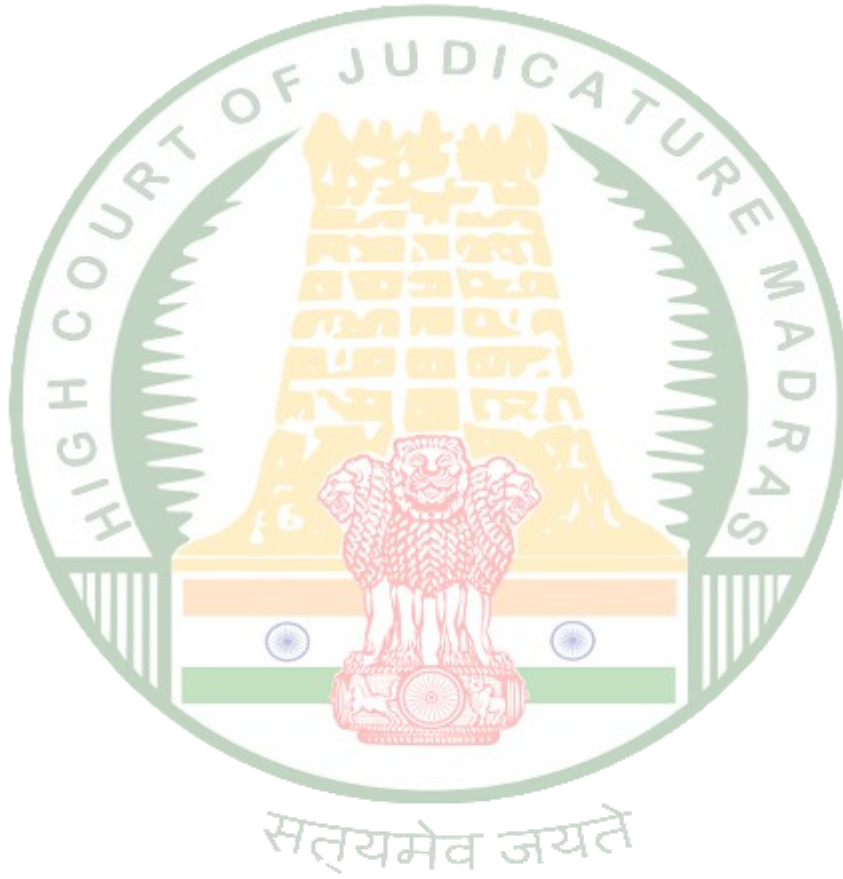
6. The Public Prosecutor,
High Court, Madras.

To be Substituted the
order already despatched
On 16/07/2018.

+1cc to Mr.D.SHIVAKUMARAN, Advocate, S.R.No. 43047
+1cc to Mr.D.Shivakumaran, Advocate sr.no.46831(14/08/2018)

Order in
Crl.R.C.No.669 of 2018

RJ(CO)
TR(13/07/2018)
nr 24/07/2018



WEB COPY