

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27524 of 2018

Srinath Chanmugham

...Petitioner/Defacto Complaint

Versus

1.The Railways, rep. by
Sub-Inspector of Police, GRPS,
Chennai Central Railway Police,
Chennai - 600 003.
(Crime No.247 of 2013- transferred to Kadpadi
Railway Police Force)

2.The Railways, rep. by
Sub Inspector of Police,
Katpadi Railway Police Force,
Katpadi .
(Crime No.204 of 2013 after receipt on transfer
from Chennai Central Railway Force)

...Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the second respondent to forthwith seize and handover, to the petitioner, the sum of Rs.2,71,683/- (Rupees Two Lakhs Seventy One Thousand Six Hundred Eighty Three only) seized from the Bank Account of Accused Sajesh, in Crime No.204 of 2013 on the file of the second respondent.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the second respondent to seize and handover a sum of Rs.2,71,683/- (Rupees Two Lakhs Seventy One Thousand Six Hundred Eighty Three only) from the bank account of the accused.

2. Based on the complaint given by the petitioner, the respondent police have registered an FIR in Crime No.204 of 2013. The accused person had stolen gold bangles, ear ring and gold necklace from the petitioner. The accused person had sold these jewels and an amount of Rs.2,71,683/- was deposited in to his account. This amount was seized by the respondent police and the same now remains in the deposit of the Court below.

3. The learned counsel for the petitioner would submit that the case is pending for more than five years and there is absolutely no action on the side of the respondent police and atleast the amount that has been seized by the respondent, can be returned to the petitioner. When the petition was filed before the Court below for return of the amount, the Court below did not even entertain the said petition. Therefore, the present petition has been filed before this Court seeking for appropriate direction.

4. The learned Additional Public Prosecutor would submit that in the course of investigation, the respondent police had seized the above said amount and have taken a Demand Draft and the same has also been deposited before the Court below. The Additional Public Prosecutor also submits that the investigation has been completed and the final report has already been filed on 24.06.2018 before the Judicial Magistrate No.IV, Vellore, and the same is yet to be taken on file.

5. This Court has carefully considered the submissions made on either side.

6. In this case, the stolen articles are admittedly the golden jewellery belonging to the petitioner. This jewellery has been converted into cash by the accused person and he has deposited it in his bank account. This amount has been seized by the respondent police and Demand Draft has been taken and deposited before the Court below. The relief as sought for by the petitioner cannot be granted by this Court, since the property involved in the crime is the gold jewellery and not the cash. That apart the material object viz., cash is before the Court below and the same cannot be handed over to the petitioner at this stage. However, this Court takes into consideration the fact that the case is pending for more than five years and the petitioner after having lost the gold jewellery is being made to run from pillar to post without any improvement in the stage of the case. In view of the fact that the final report has been filed before the Court below, the Judicial Magistrate No.IV, Vellore is directed to take the final report filed by the respondent police on file. The learned Judicial Magistrate is also directed to complete the proceedings within a period of three months. It is always open to the petitioner to move an appropriate application before the Court

below at the appropriate stage.

7. In view of the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ssr/ub

To

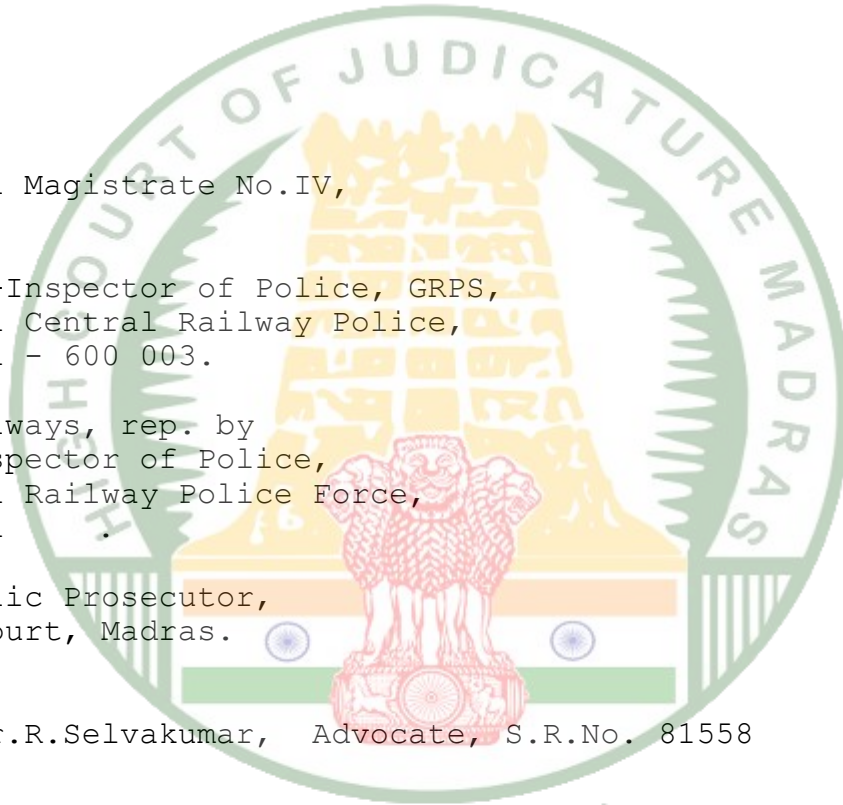
1.Judicial Magistrate No.IV,
Vellore.

2.The Sub-Inspector of Police, GRPS,
Chennai Central Railway Police,
Chennai - 600 003.

3.The Railways, rep. by
Sub Inspector of Police,
Katpadi Railway Police Force,
Katpadi

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Selvakumar, Advocate, S.R.No. 81558



सत्यमेव जयते

Cr1.O.P.No.27524 of 2018

SJ(CO)
GN(17/12/2018)

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