



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.22799 of 2014

Marudhu @ Marudhupandiyan

.. Petitioner/Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
CCB Nagar Police Station,
Madurai. (In Crime No.7 of 2013)

.. Respondent/Respondent

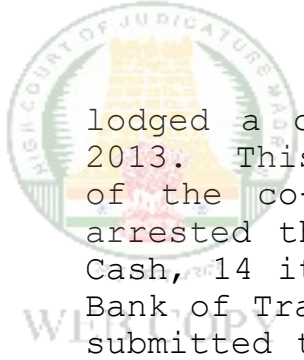
PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order of learned Judicial Magistrate No.I, Madurai in Cr.M.P.No.1779/2013, dated 29/05/2013 and as confirmed by the learned District and Sessions Judge Madurai in Crl.RP.No.38/2013 and consequently directing the return of one Sony 32' TV cash of Rs.37,000/- 14 items of gold ornaments four pledged receipts of State Bank of Travancore, to the petitioner.

For Petitioner	: No Appearance
For Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to set aside the order of learned Judicial Magistrate No.I, Madurai in Cr.M.P.No.1779/2013, dated 29/05/2013 and as confirmed by the learned District and Sessions Judge Madurai in Crl.RP.No.38/2013 and consequently directing the return of one four pledged receipts of State Bank of Travancore, to the petitioner.

2.The case of the prosecution is that the defacto complainant one Prabhakaran, Manager of the GRT Thangamalgai Pvt Ltd., lodged a complaint on 23/2013 stating that he is the Manager of GRT Thanga Maligai Jewellery PVT Ltd., and on 29.12.2012 one Christopher came to his jewellery shop and purchased gold worth Rs.7,52,200/- and then later came on 30.12.2012 and purchased gold jewels worth Rs.16,06,595/-. Subsequently, on 29.12.2013 one Sundarajan also purchased jewels worth Rs.8,95,300/- and both paid only through credit cards. Subsequently, the defacto complainant found that the ID Proof given by the above persons were fake ID cards. Hence, he



lodge a complaint and the case was registered in Crime NO.7 of 2013. This petitioner was arrayed as accused as per the confession of the co-accused. On 02.03.2013 the City Crime Branch Police arrested the petitioner and recovered one Sony 32" TV, Rs.37,000/- Cash, 14 items of Gold Ornaments and Four pledged receipts of State Bank of Travancore. The learned counsel for the petitioner further submitted that the petitioner filed a petition under Section 451 of Cr.P.C for interim custody and the same was dismissed by the learned Judicial Magistrate No.I, Madurai in Cr.M.P.No.1779 of 2013, dated 29.05.2013.

3. Aggrieved by the order of dismissal the petitioner filed a Revision Petition before the learned District and Sessions Judge, Madurai in CrI.R.C.No.38 of 2013 and the same was transferred to I Additional Sessions Judge and dismissed by the learned I Additional Sessions Judge, Madurai on 14.10.2014. Aggrieved the same the present Criminal Original Petition has been filed.

4. The learned Government Advocate (CrI. Side) vehemently opposed to entertain this petition by stating that the petitioner is not only involved in GRT Maligai transaction but with some other shops transaction also. All his crime activities came to light during investigation of CBCID, Madurai City.

5. It is seen from the averments made against the petitioner, he has arrayed as accused. Further the present petition is nothing but second revision. Therefore, it is not maintainable. The Court below rightly dismissed the petition filed by the petitioner herein. This Court finds no irregularity or infirmity in the order passed by the Courts below. Therefore, the orders passed by the Courts below did not warrant any interference.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CO)

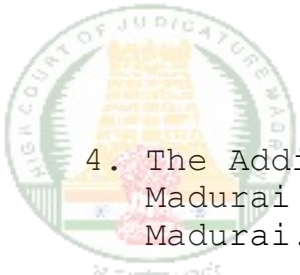
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Sub Assistant Registrar (CS-IV)

To

1. The I Additional District and Sessions Judge, Madurai.
2. The Judicial Magistrate No.I, Madurai.

3. The Sub Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
 CCB Nagar Police Station,
 Madurai.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.CHAMUNDI BOSE, ADVOCATE IN SR No. 88914

TM

TE/SKN/SAR-4 : 13/11/2018 : 3P/6C

Cr1.O.P. (MD) .No.22799 of 2014
03.10.2018