



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.17129 of 2018

Annaporanam

...Petitioner

-vs-

The State represented by
The Inspector of Police,
Karuppayurani Police Station,
Madurai District.
Crime No.51 of 2015.

...Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue direction to the Judicial Magistrate to re-open the Crime No.51 of 2015 as the accused stated in his confession as he has stolen the jewels involved in Crime No,51 of 2015 while stating in the connected Crime No.34 of 2018 and consequently, hand over the properties to the petitioner.

For Petitioner: Mr.A.Banumathy

For Respondent: Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

ORDER

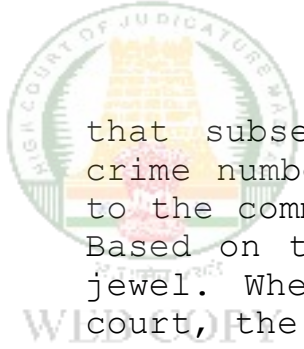
This Criminal Original Petition has been filed for a direction to re-open the Crime No.51 of 2015.

2.The respondent police registered an F.I.R, in Crime No.51 of 2015 for the offence punishable under Section 380 I.P.C (NH). Subsequently, the respondent police have filed a final report on the ground that the crime is "undetected" . RCS Notice was also served on the petitioner in the year 2015.

3.It has been repeatedly held by this Court that the police cannot filed a closure report on the ground that the crime is undetected. The crime undetected is only a stage of investigation and the police will have to proceed further with the investigation till a final report is filed under Section 173 (2) Cr.P.C.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal Side) would submit



that subsequently when police was investigating in a different crime number, the accused who was secured by the police confessed to the commission of the crime in the present crime No.51 of 2015. Based on the confession, the police have also recovered the gold jewel. When this property was sought to be produced before the court, the court below had refused to take the property.

5. In view of the subsequent development, the respondent is directed to continue with the investigation in Crime No.51 of 2015 and complete the investigation as expeditiously as possible.

6. The respondent is also directed to hand over the jewelry recovered on the basis of the confession given by the accused person before the court below. The learned Judicial Magistrate No.II, Madurai is directed to take the articles produced before the court. The petitioner in order to get the property returned to her, can move an appropriate application before the court below.

7. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate No.II, Madurai.

2. The Inspector of Police,
Karuppayurani Police Station,
Madurai District.

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

+ 1 CC TO MR.A.BANUMATHY, ADVOCATE IN SR NO.86641

DAS

BU/RSK/SAR-III : 29.10.2018 : 2P/5C

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