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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 229/2018

RAGHAV MEHRA

..... Petitioner

Through Mr. Surinder Singh, Adv.

Versus

STATE & ORS

..... Respondents

Through Ms. Manjeet Arya, APP with ASI
Veena Sharma, Dwarka for the State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **17.01.2018**

There was a locker in the joint account of the petitioner and his wife (complainant). FIR No. 408/2014 under Sections 354/377/498A/406/34 IPC was got registered at Police Station Punjabi Bagh against the petitioner and some of his family members on the complaint of petitioner's wife. The locker was opened in the presence of the petitioner, complainant, Investigating Officer and bank staff and articles (jewellery and coins) were seized. Complainant filed an application for release of seized jewellery and

other articles before the Metropolitan Magistrate, Delhi. Petitioner objected to the release of same articles to complainant on the ground that same were neither istridhan nor the dowry articles. Petitioner alleged that he had purchased the said articles prior to his marriage and had shown the same in his wealth tax returns. Objections were raised in respect of one gold chain, one gold chain with Radha Kishan locket, one diamond set, earnings, one gold chain, one gold necklace, one diamond bracelet, one silver coin and seven gold *ginnis*. Trial court has noted that petitioner had given self declaration at the time of wealth tax returns, in as much as these articles were different than the articles mentioned in the list of seized articles as regards the specifications as well as the weight.

Learned trial court ordered for release of the seized jewellery on superdari to the complainant.

Aggrieved by this order, petitioner has filed this petition under Section 482 Cr.P.C.

I do not find any perversity in the impugned order. The jewellery was kept in the locker which was taken in the joint names of the complainant and petitioner, after their marriage. Only thereafter, jewellery was kept in the said locker, in as much as locker was operated by the

complainant all along. This itself shows, prima-facie, that these articles were kept in the locker by the complainant after the marriage.

Petition is dismissed.

A.K. PATHAK, J.

JANUARY 17, 2018
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