

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.226 of 2021

Angalatchi

... Petitioner/Petitioner

Vs.

State rep.by the
Inspector of Police,
Auroville Police Station,
Auroville, Villupuram District. ... Respondent/Complainant

(Crime No.1841 of 2020)

PRAYER: Criminal Revision Case filed under 397 r/w 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.284 of 2020, dated 30.12.2020, on the file of the learned Judicial Magistrate, Vanoor, Villupuram District.

For Petitioner : Mr.C.Tamil Selvan

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

The present Criminal Revision Case has been filed against the order dated 30.12.2020, passed by the learned Judicial Magistrate, Vanoor, Villupuram District, dismissing the petition filed under Section 451 r/w 457 of Cr.P.C, seeking return of gold chain to the petitioner.

2. The respondent-Police has seized a gold chain from the petitioner, in connection with the case registered in Crime No.1841 of 2020. Hence, the petitioner has moved Crl.M.P.No.284 of 2020, before the learned Judicial Magistrate, Vanoor, Villupuram District. Such petition came to be dismissed under orders of the Court below dated 30.12.2020. Hence, this revision.

3. The learned counsel for the petitioner would submit that

the petitioner has produced the proper receipt / bill issued by Joyalukkas Jewelers, Puducherry before the respondent police to prove the purchase of gold chain, but the same was not considered by the learned Magistrate. It is further submitted that the difference in the weight of the thali chain is caused only due to the usage for the past one year. However, the learned Judge, erroneously rejected the petition filed under Section 451 of Cr.P.C. and hence, prays to set-aside the order passed by the Court below.

4. The learned Government Advocate (Criminal Side) would submit that a case was registered in Crime No.1841 of 2020 for the theft of 50 Kgs copper plates, belonged to one G.Saktheesvaran and the petitioner had stolen the above copper plates, and the same was converted into gold. It is further submitted that the petitioner is involved in various other cases and she is a habitual offender. It is further submitted that the investigation was completed and the charge sheet has already been filed, which is to be taken on file. The learned Magistrate, on proper appreciation of materials, rightly dismissed the petition, and as such, no interference is required.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Admittedly, a case was registered by the respondent-Police in Crime No.1841 of 2020 on its file for offence under Sections 454 and 380 of IPC. It is to be noted that at the time of passing order by the learned Magistrate, Vanoor, investigation was pending and charge sheet was not filed, however, now, it is represented by the learned Government Advocate (Criminal Side) that the investigation was completed and the charge sheet has already been filed, which is to be taken on file.

7. Though it is the contention of the learned counsel for the petitioner that the petitioner has produced the bill to prove the purchase of above said Thali chain, which was not considered by the learned Magistrate, it is to be noted that the alleged thali has been seized by the respondent-Police with regard to the case in Crime No.1841 of 2020. According to the learned Government Advocate, the stolen property in Crime No.1841 of 2020 was converted into gold chain. According to the learned counsel for the petitioner, the petitioner has produced the original bill for the purchase of thali chain, which was not considered by the learned Magistrate. Further, it is brought to the knowledge of this Court that the appellant is involved in various other cases and she is a habitual offender. Therefore, the ownership of the seized items is yet to be ascertained and

the truth will come to light only after the trial.

8. Therefore, this Court is not inclined to grant relief to the petitioner. Further, during the investigation, releasing of the property is purely discretionary power of the Court. Unless any arbitrariness or malafides found, the revision Court need not interfere with the order passed by the Court below.

9. In view of the above, this Court is not inclined to exercise discretionary power and there is no illegality or perversity in the order passed by the learned Judicial Magistrate, Vanoor. In fine, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

1. The Judicial Magistrate, Vanoor,
Villupuram District.
2. The Inspector of Police,
Auroville Police Station,
Auroville, Villupuram District.
3. The Government Advocate (Criminal Side),
Madras High Court, Chennai.

+1cc to Mr.G.Tamil selvan, Advocate, S.R.No.28951

Cr1.R.C.No.226 of 2021

JPL (CO)
SB(13/07/2021)

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