

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.2959 OF 2018

Ugamraj Parmar

.. Petitioner/
Defacto Complainant

vs.

State rep. By
Inspector of Police,
G.3, Kilpauk (Crime) Police Station,
Chennai (Cr.No.1471/2017)

Respondent/
Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to further investigate the case and recover the balance 4.0 k.gram of gold in connection with Crime No.1471 of 2017 pending investigation on the file of Inspector of Police, G.3 Kilpauk Police Station, Chennai.

For Petitioner : Mr.S.Nambirajan

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

ORDER

This petition has been filed for a direction to the respondent police to further investigate the case and recover the balance gold from the accused persons.

2. Based on the complaint given by the petitioner, an FIR came to be registered in Crime No.1471 of 2017 for an offence under Sections 420 and 120(b) of IPC. The allegations made in the complaint is to the effect that the petitioner had handed over 8.5 kgs of gold to the accused persons for making gold jewels and he had misappropriated the same. During the course of investigation, the respondent police was able to recover 4.50 kg of gold and the petitioner had also received the gold jewels that was recovered by the police.

3. The grievance of the petitioner is that the balance of 4 kgs of gold is yet to be recovered. Hence, the present petition has been filed before this Court seeking for appropriate directions.

4. The respondent police have filed a status report. The relevant portion in the status report is extracted herein:-

" 4. It is submitted that, the averment made in para (5) of the affidavit is true as per the complaint preferred by the Petitioner/defacto complainant, a case in G-3 Kilpauk PS Cr.No.1471 of 2017 U/s.406, 420 IPC was registered on 12.11.2017 and later the section of law was altered as 406, 420 7 120(b) IPC. The accused A1 Rajesh and 7 Others were arrested on various dates, recovered about 5304.40 Grams of gold jewels and sent them to judicial custody respectively. The during the course of investigation, the petitioner/defacto complainant find noticed that about 1.5 Kgs of Gold materials were traced at the staying place of the accused at No.16-C, Rajarathinam Street, Kilpauk, Chennai-600 010.

5. It is submitted that, the averment made in paras (6 & 7) of the affidavit are true as per records, the recovered properties of 5304.40 Grams of Gold jewels were handed over to the Petitioner/defacto complainant, as per the orders of the Hon'ble XIV MM Egmore Court in CrI.MP NO.3259 of 2017 Dated: 22.12.2017 in G-3, Kilpauk PS Cr.No.1471 of 2017 U/s.406, 420 IPC.

6. It is submitted that, the averment made in paras (8) of the affidavit is not correct that, the property recovered from the accused is 5304.40 Grams of Gold jewels and the same were handed over to the Petitioner/defacto complainant, as per the orders of the Hon'ble XIV MM Egmore Court orders in CrI.MP No.3259 of 2017 dated: 22.12.2017 in G-3, Kilpauk PS Cr.No.1471 of 2017 U/s.406, 420 IPC. And further, the petitioner/defacto complainant find traced about 1.5 Kgs. of Gold materials at the staying place of the accused at No.16C,

Rajarathinam Street, Kilpauk, Chennai-600 010. Hence, the property about 5304.40+1500 Grams of gold jewel were recovered, out of 8.5 Kgs of Gold materials actually stolen. Remaining 1694.6 Grams of Gold jewels are yet to be recovered from the accused. The during the course of investigation and as per the confessions recorded from the accused, they have some gold materials which were already supplied by the petitioner/defacto complainant and the same were adjusted periodically. However, the investigation is going on to recover the remaining properties of 1694.60 Grams of Gold materials from the accused."

5. It is clear from the above status report that some of the gold has already been sold by the accused persons and there is only a remaining 1694.60 grams of gold yet to be recovered. In view of the specific stand taken by the respondent police, there shall be a direction to the respondent to recover the balance gold that is available and complete the investigation as expeditiously as possible and file a final report before the court below.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
G.3, Kilpauk (Crime) Police Station, Chennai
2. The Public Prosecutor,
High Court of Madras, Madras.

+1cc to Mr.S.Nambirajan, Advocate, S.R.No.11337

Cr1.O.P.No.2959 of 2018

GPL(CO)
CS/24/03/2021