



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 22.01.2021

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THE HONOURABLE MRS.JUSTICE R.THARANI

Crl. R.C.(MD)No.9 of 2021

K.Gandhimathi

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.1073 of 2020)

.. Respondent

Prayer : This criminal revision case is filed under Section 397 and Section 401 of Criminal Procedure Code., to call for the records pertaining to the order passed in Cr.M.P.No.1851 of 2020, dated 21.11.2020, on the file of the Judicial Magistrate, Vadipatti, Madurai District and to set aside the same by allowing the Revision.

For Petitioner : Mr.S.Pakalavan, Advocate

For Respondent : Mr.S.Chandra Sekar
Additional Public Prosecutor

ORDER

This Revision has been filed to call for the records pertaining to the order passed in Cr.M.P.No.1851 of 2020, dated 21.11.2020, on the file of the Judicial Magistrate, Vadipatti, Madurai District and to set aside the same.

2.The petitioner is the victim. It is alleged that the accused in this case has snatched the chain of the petitioner. A case was registered by the respondent police in Crime No.1073 of 2020 and the property/chain was seized by the police in the form of 'ingot' and the same was produced in the Court. The petitioner, claiming herself as the property, filed a petition to return of the property before the Judicial Magistrate, Vadipatti, Madurai District, in Cr.M.P.No.1851 of 2020. That petition was dismissed by the trial Court on 21.11.2020. Against the same, the petitioner filed this Criminal Revision.

3.On the side of the petitioner, it is stated that the petitioner is the owner of the property. Since the property in the form of 'ingot', the right of the petitioner cannot be deprived. The petitioner will not alienate or alter the property. It is



further stated that this Court, in its order, dated 01.09.2016, made in Crl.R.C.(MD)No.613 of 2016 (Parthiban Vs. State) has ordered the 'ingot' to be return back to the petitioner and prayed the property to be handed over to the petitioner.

4.On the side of the respondent, it is stated that the property was seized in the form of 'ingot'. The identity of the property will be questioned, if the 'ingot' is handed over to the petitioner and prayed the petition to be dismissed.

5.It is seen that the property in R.P.R.No.120 of 2020 was seized in the form of 'ingot'. There will be no use for the petitioner to get the property return back, since the petitioner could not alienate or alter the property. More over, the identify of the property will be questionable, at the time of trial. Hence, this Court is not inclined to return the property at the present stage. This Criminal Revision Case is dismissed accordingly.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,
Vadipatti, Madurai District.
- 2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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TK/SAR/10.02.2021/2P/4C