



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11535 of 2021

and

W.M.P(MD)Nos.9056 & 9058 of 2021

The Branch Manager,
Muthoot Finance Limited,
Kovilpatti Branch,
New Road,
Kovilpatti,
Thoothukudi District.

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti East,
Thoothukudi District.

3.Muthuramalingam

... Respondents

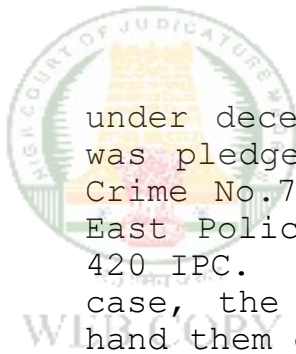
Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Certiorari, to call for the impugned order passed by the second respondent, under proceeding No.Nil, dated Nil, relating to mandating the writ petitioner to surrender the jewels pledged by the third respondent and to quash the same.

For Petitioner	:	Mr.K.R.Laxman
For Respondents	:	Mr.E.Antony Sahaya Prabakar Additional Public Prosecutor for R.1 & R.2

O R D E R

Heard the learned counsel on either side.

2. The second respondent herein had issued the impugned communication calling upon the petitioner to hand over the petition mentioned jewels. The case of the complainant is that they are the owners of the jewels and that they were made to part with the same



under deceptive circumstances and that the subject matter of crime was pledged with the petitioner herein. Based on their complaint, Crime No.774 of 2021 has been registered on the file of Kovilpatti East Police Station, for the offences under Sections 406, 417 and 420 IPC. Since the pledged items are subject matter of the criminal case, the Investigation Officer has called upon the petitioner to hand them over.

3. Dealing with the similar case, a learned Judge of this Court, vide order dated 21.04.2016 in W.P.(MD)No.14882 of 2015 and Crl.O.P.(MD)No.1420 of 2016 had held that absence of corpus delicti can no way destroy the prosecution case, if it otherwise is able to prove the ingredients of the offences by adducing proper evidence. The petitioner gives an undertaking before this Court that they will not bring the pledged items to auction, but keep the same in their safe custody. They also undertake to produce them before the Judicial Magistrate Court as and when called upon to do so. If the criminal case registered against the accused ends in acquittal, the petitioner can act as per the terms of contract. If the criminal case ends in conviction, the Magistrate will decide on handing over the items in question after hearing the petitioner and the complainants in a petition filed under Section 457 Cr.P.C. The impugned communication is set aside.

4. This Writ Petition is disposed of on the above terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 No.I,
Kovilpatti,
Thoothukudi District.



2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Inspector of Police,
Kovilpatti East Police Station,
Kovilpatti East,
Thoothukudi District.

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-39110[F] dated 16/12/2021)
W.P(MD)No.11535 of 2021
and
W.M.P(MD)Nos.9056 & 9058 of 2021
15.12.2021

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