



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.623 of 2021

Usha Devi

.. Petitioner

Vs.

State rep. by,
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.119 of 2020)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and Section 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.1583 of 2021, dated 19.08.2021 on the file of the Judicial Magistrate, Vadipatti, and to set aside the same.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mrs.M.Aasha
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed in Cr.M.P.No.1583 of 2021, dated 19.08.2021 on the file of the Judicial Magistrate, Vadipatti.

2. A gold ingot was seized by the respondent police, in Crime No.119 of 2020. The petitioner claiming herself as the owner of the gold filed a petition in Cr.M.P.No.1583 of 2021 before the Judicial Magistrate, Vadipatti, for return of the property. That petition was dismissed by the trial Court, on 19.08.2021. Against the same, the petitioner has preferred this Revision.

3. On the side of the petitioner, it is stated that the Thali chain of the petitioner was snatched by the accused and the petitioner is the owner of the property. The property may be returned to be petitioner on execution of a bond and prayed the gold to be returned to the petitioner.

4. On the side of the prosecution, it is stated that the petitioner has to identify the gold at the time of trial and the gold is in the form of 'ingot', not in the form of Thali Chain and prayed the petition to be dismissed.



5 It is seen that the gold is only in the form of 'ingot' and the trial is pending. The property could not be identified by the petitioner at the present stage. Even if the property is returned to the petitioner, she has to keep the property in custody. She is not having right to alter the physical features of the property and she cannot pledge or sale the property. In short, even if the petitioner get the interim custody of the property, it will not be of any use to her. There is nothing sufficient enough to interfere in the orders of the trial Court. This Court directs the Judicial Magistrate, Vadipatti, to dispose of the case within a period of four months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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.
2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-38044[F] dated 09/12/2021)

Crl. R.C. (MD) No. 623 of 2021
08.12.2021

_RD(20.12.2021) 2P 5C