



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17162 of 2021

G.Eswara Rajendran

... Petitioner

Vs.

1.State Rep. By
The Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District.
(Crime No.22 of 2013)

2.The Management,
Udhaya Gold Loan No.9,
1st Floor, M.S.P.Complex,
R.F.Road, Palani,
Dindigul District - 624 601.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to return the petitioner's jewels which subject matter in the Crime No.22 of 2013 on the file of the 1st respondent police.

For Petitioner	:	Mr.S.Karthik
For Respondents	:	Mr.T.Senthil Kumar, Addl. Public Prosecutor for R1.

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

2.The petitioner states that he pledged his jewels with the second respondent on 20.04.2012 after availing loan from them. The petitioner would claim that even though he was ready to redeem the pledged items, the second respondent did not return the same. The second respondent was implicated in Crime No.22 of 2013. Therefore, the petitioner wants this Court to direct the first respondent to return the petitioner's jewellery which is the subject matter of Crime No.22 of 2013.

3. When the matter was taken up for hearing, the learned



Additional Public Prosecutor submitted that the second respondent had re-pledged the jewels with Sriram City Union Finance Limited. Following registration of the criminal case, when the police enquired Sriram City Union Finance Limited, they filed W.P.(MD) No.1172 of 2013. A direction was given by this Court for constitution of a committee by the District Legal Service Authority concerned. A direction was given that on payment of the loan amount by the borrowers, the pledged items were to be returned to them. The learned Additional Public Prosecutor would state that before such a committee as many as 258 loan accounts were taken up for scrutiny and the pledged items were also returned. It is admitted that some 406 pockets will have to returned. It appears that the petitioner had slept over his rights all these years. Be that as it may, the petitioner is given liberty to move the jurisdictional criminal Court by filing a petition under Section 451 of Cr.P.C. The jurisdictional criminal Court will ascertain the petitioner's *locus standi* and if satisfied with the materials that may be supplied by the petitioner, an appropriate order may be passed. If such an order is being passed in favour of the petitioner, the District Legal Service Authority shall arrange to return the petitioner's pledged items. The learned counsel for the petitioner states that he would move the jurisdictional criminal Court with an appropriate petition within a period of two weeks from the date of receipt of a copy of this order. On such petition being filed, the same shall be disposed of on merits and in accordance with law within a period of four weeks thereafter. In any event, the entire exercise shall be concluded within a period of eight weeks. The jurisdictional Magistrate will issue notice to all the concerned stakeholders. The respondent police shall also assist the Court and place relevant information as to the current whereabouts of the petitioner's pledged items.

4.With these directions, the criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

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 Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District.

2.The Management,
Udhaya Gold Loan No.9,
1st Floor, M.S.P.Complex,
R.F.Road, Palani,
Dindigul District - 624 601.

3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai.

4. The Judicial Magistrate, Dindigul

+1 CC to M/s.S.KARTHIK, Advocate (SR-33701[F] dated 08/11/2021)

Crl.O.P (MD) No.17162 of 2021
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KB(10.11.2021) 3P 6C