



Crl.O.P.(MD) No.17349 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17349 of 2022

Muthoot Finance Limited,
Valliyoar Branch – 1,
Represented by its Branch Manager,
J.Sudalai Kan

...Petitioner/ Owner of the Jewel

-VS-

State, represented by
The Inspector of Police,
Valliyoar Police Station,
Tirunelveli District.
(Crime No.321 of 2012)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate, Valliyoar to expedite the Trial in C.C.No.8 of 2020 and conclude the same as per the direction of this Court in Crl.O.P(MD) No.11372 of 2012 dated 12.12.2017.

For Petitioner : Mr. N.Mohideen Basha

For Respondent : Mr. B.Nambiselvan
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Valliyoor to expedite the trial in C.C.No.8 of 2020 and conclude the same, as per the direction of this Court in Crl.O.P(MD) No. 11372 of 2012, dated 12.12.2017.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner is the Non-banking Financial Institution. The jewels pledged by its clients was seized by the Respondent Police on the ground that the jewels were involved in crime. Earlier, the Petitioner had moved the petition before the learned Judicial Magistrate, Valliyoor, seeking return of the properties, which was dismissed. Aggrieved by the same, he preferred an appeal before the learned Sessions Judge, which was also dismissed.

3.The learned Counsel for the Petitioner invited the attention of this Court to the order passed by this Court in Crl.O.P(MD).Nos.12938 of 12939 of 2013, dated 09.03.2018 filed by the Petitioner. He also invited the attention of this Court to the order passed by this Court in Crl.O.P(MD).No.



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11372 of 2012, wherein this Court had directed the learned Judicial Magistrate, Valliyoor, to proceed and complete the trial within a period of three months from the date of receipt of copy of this order. He further submitted that till date, the trial had not been completed.

4.The learned Additional Public Prosecutor submitted that A2 died on 26.09.2014. A1 and A4 are still absconding. Totally 17 witnesses to be examined. Therefore, the trial Court is unable to proceed with the trial. The Inspector of Police, Valliyoor Police Station, is directed to execute the pending warrant against the absconding accused A1 and A4. The Inspector of Police, Valliyoor Police Station, shall approach the learned Judicial Magistrate, Valliyoor, with a petition to declare the absconding accused as 'proclaimed offenders', so that the properties and assets of the absconding accused can be attached and bring them to public auction. Only then, the Court can dispose of the case.

5.It is found in very many criminal cases, when this Court directed the learned Trial Court Judge to dispose of the case, the accused, who are till then appearing before the trial Court, are found absconding. Their



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conduct gives the trial Judge difficulties and making them to offer explanation to the High Court for their inability to dispose of the case after due trial. Therefore, this Court directs the Inspector of Police, Valliyoor Police Station, to follow the procedure enunciated under Sections 82 and 83 of the Code of Criminal Procedure (Proclaimed offenders). The Petitioner can get back the properties only after disposal of the case as per the earlier order passed by this Court in Crl.O.P(MD).No.11372 of 2012, dated 12.12.2017

6. With the above direction, this Criminal Original Petition is disposed of.

20.10.2022

Internet: Yes/No

Index: Yes/no

Indu

To

1. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

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

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SATHI KUMAR SUKUMARA KURUP, J.

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