



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.967 of 2021

WEB COPY

N.Bharathi

...Petitioner

Vs.

The State through
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No.1814 of 2020.

...Respondent/complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records and to set aside the order passed by the learned Judicial Magistrate, Vadipatti in Cr.M.P.No.1579 of 2021 in R.P.R.No.152 of 2021 in Crime No.1814 of 2020 dated 19.08.2021.

For Petitioner : Mr.P.Gokulnaath

For Respondent : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition has been filed challenging the order passed by the learned Judicial Magistrate, Vadipatti in Cr.M.P. No.1579 of 2021 dated 19.08.2021, thereby dismissing the petition filed by the petitioner for return of jewel.

2. The petitioner is the complainant. She lodged a complaint alleging that, on 13.03.2020, two unknown accused persons came by the motorcycle and snatched her two sovereigns of gold chain worn by her, while she was walking on the left hand side of the road. On receipt of the said complaint, the respondent registered a case in Crime No.1814 of 2020 for the offences under Section 392 of IPC. While investigating the said complaint, the respondent arrested the accused persons and also recovered the stolen property in the form of gold bar weighing about 1 ½ sovereigns of gold and the same was produced before the learned Judicial Magistrate, Vadipatti and assigned with R.P.R.No.152 of 2021 dated 26.07.2021. Thereafter, the petitioner filed a petition for return of the said gold bar. The learned Judicial Magistrate, Vadipatti dismissed the petition on the ground that the investigation is in the initial stage and also the stolen property recovered by the police is not in the form of



wearing jewel and that the petitioner failed to prove her identity of the jewel which was snatched by the accused persons.

3. Admittedly, there is no other rival claim before the learned Judicial Magistrate claiming the stolen jewel. Further, the respondent recovered the jewel from the accused persons in the form of gold bar. The respondent also conducted investigation and filed final report on 05.07.2021 and the same was taken cognizance in C.C.No.94 of 2021.

4. In view of the above, the impugned order passed by the learned Judicial Magistrate, Vadipatti in Cr.M.P.No.1579 of 2021 dated 19.08.2021, is set aside and the learned Judicial Magistrate, Vadipatti is directed to return the gold bar to the petitioner on the following conditions:

(i)The petitioner is directed to execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti;

(ii)The seized items should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iii)The petitioner shall produce the gold bar before the respondent and the Trial Court as and when required.

(iv)If any of the conditions are violated, this order automatically stands cancelled.

5. Accordingly, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Vadipatti Police Station,
Madurai District.
Crime No.1814 of 2020.

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

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