



Crl.R.C.No.124 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

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1.Vasu

2.Tamilselvi

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Uthukuli Police Station,

Uthukuli, Tiruppur District.

(Crime No.281/2022)

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code against the order passed in Cr.M.P.No.2548 of 2022 dated 23.12.2022 on the file of District Munsif cum Judicial Magistrate, Uthukuli.

For Petitioners : Mr.N.Palanikumar

for Mr.S. Kaithamalai Kumaran

For Respondent : Mr.J.Subbiah, GA (Crl. Side)

ORDER

The present criminal revision petition is directed against the order passed in Cr.M.P.No.2458/2022 on the file of District Munsif cum



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Judicial Magistrate, Uthukuli in and by which the petition u/s.451 & 457 Cr.P.C. seeking interim custody of the following case properties was dismissed.

- a) Haier 4K Altera HD 127 cm Android TV
- b) 4 x 6 bed-2, Spring 4 x 6 bed -2
- c) Spring bed 4 x 6 bed - 2
- d) 4¼ Pooja box - 1
- e) 2¾ Wood Wardrobe

and also a sum of Rs.3,00,000/- cash.

2. The case of the prosecution is that on 12.08.2022 at about 20.00 hours the defacto complainant lodged a complaint stating that the accused took the property documents of defacto complainant and pledged the same with a bank and obtained a loan of Rs.24,00,000/- and out of the said amount, she had purchased the above items. The accused was then arrested by the police and based on his confession that he purchased the above items from out of Rs.24,00,000/- the same were seized from him. Therefore, the present revision petitioner had filed the petition u/s.



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451 & 457 Cr.P.C. in Cr.M.P.No.2458/2022 for return of those items.

3. Learned District Munsif cum Judicial Magistrate, Uthukuli vide his orders dated 23.12.202 dismissed the said application on the ground that since the investigation is still pending and properties seized from the custody of the accused cannot be returned to the petitioner herein at this stage.

4. Heard Mr.N.Palanikumar, learned counsel for the revision petitioner and Mr.J.Subbiah, learned Government Advocate (Crl. Side) for the respondent.

5. Learned counsel for the revision petitioner contended that based on the promise made by the accused who is deaf and dumb that he could get a loan of Rs.24,00,000/-, if the property documents of the revision petitioner are mortgaged with a bank, the defacto complainant handed over his property documents to the accused and that though the amount was credited to the account of the defacto complainant, the



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defacto complainant handed over the said amount to the accused by withdrawing the same. It is not known as to why the defacto complainant had handed over the said amount of Rs.24,00,000/- to the accused. The investigation is still pending.

6. In the facts and circumstances, I do not see any reason to return the properties. However, the respondent/police is directed to complete the investigation at the earliest point of time and file final report or referred charge sheet, as the case may be.

7. Accordingly, the Criminal Revision Petition is dismissed.

No costs.

12.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.
mtl

To

- 1.The District Munsif cum Judicial Magistrate, Uthukuli.
2. The Section Officer, Criminal Section, High Court, Madras.

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