



Crl.R.C(MD) No.198 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**

Crl.R.C(MD)No.198 of 2021

Murugan

... Revision Petitioner

Vs.

1.State Represented by
The Inspector of Police,
Cumbum South Police Station,
Theni District.

2.S.Akbar Ali

3.Abuthahir

4.Ahamed Manub

5.Muhamad Idress

... Respondents

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by the learned Judicial Magistrate, Uthamapalayam, Theni District in Cr.M.P.No. 2363 of 2020 dated 16.10.2020 and set aside the same and consequently direct the



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above said learned magistrate to return the gold as interim custody to the petitioner.

For Petitioner : Mr.S.Chandrasekaran
For Respondent : Mr.R.Suresh Kumar
Government Advocate(Crl.side) for R1
Mr.T.Lajapathiroy for R5
No appearance for R2 to R4

ORDER

This Criminal Revision Petition is filed to call for the records pertaining to the order passed by the learned Judicial Magistrate, Uthamapalayam, Theni District in Cr.M.P.No.2363 of 2020, dated 16.10.2020 and set aside the same and consequently, direct the above said learned Magistrate to return the gold as interim custody to the petitioner.

2. The petitioner, after locking all the doors of his house, went to Chennai. He returned from chennai, at that time, he saw that the lock on the east side was broken. Thereafter, the petitioner and his wife entered into their house and found that 100 grams of gold ornaments, one camera and unused mobile phone were looted. Therefore, he filed a complaint before the respondent police. The respondent police seized some of the goods from the accused persons and the



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same were remanded to the concerned Court. The petitioner filed a petition under Section 451 Cr.P.C before the learned Judicial Magistrate, Uthamapalayam in Cr.M.P.No.2363 of 2020 seeking return of jewels that were recovered by the respondent police in Crime No.338 of 2017 and the same was dismissed on the ground that only ingot has been recovered from the accused persons.

3. It appears that the accused persons have converted all the jewels involved in several cases as ingots. That cannot be again be separated and returned to the petitioner.

4. In view of the above said position, the petition has been filed by the petitioner was rightly dismissed by the trial Court.

5. The learned counsel for the petitioner made a request that a direction may be issued to the respondent herein to complete the investigation and file final report before the concerned Court within a short time.

6. Perusal of CD file shows that major part of the investigation has been completed by the respondent police.



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7. Considering the facts and the circumstances of the case, this Court directs the respondent to complete the investigation and file final report within a period of three months from the date of receipt of a copy of this order and liberty granted to the petitioner to workout the remedy at the appropriate time before the trial Court.

With the above said liberty and direction, this Criminal Revision Case is disposed of.

03.01.2023

Index : Yes/No
Internet : Yes/No
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To:-

1. The Inspector of Police,
Cumbum South Police Station,
Theni District.
2. learned Judicial Magistrate,
Uthamapalayam, Theni District



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G.ILANGO VAN,J

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ORDER MADE IN
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