

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.138 of 2022**

Arising Out of PS. Case No.-37 Year-2019 Thana- DAWATH District- Rohtas

MANJU KUER W/o Late Babu Sah Resident of Village and P.S.- Dawath,
District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Kumari @ Shalini Kumari Gupta Gupta W/o Manoj Kumar R/o
village and P.S.- Dawath, District- Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Adv.
For the Respondent/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 20-03-2024

Heard learned Advocate for the petitioner as well as
learned APP for the State.

2. Marriage of the daughter of the informant was
solemnized on 20th February, 2015. Admittedly, after marriage
there was some dispute between the husband and wife. Both of
them were used to involve in domestic war and there was no peace
in their family life. Subsequently, on 22nd February, 2019, Shalini
Kumari @ Shalini Kumari Gupta fled away from her matrimonial
house. The brother-in-law of Shalini Kumari @ Shalini Kumari
Gupta informed the matter to the father of Shalini Kumari @



Shalini Kumari Gupta. He lodged a complaint against the husband and other matrimonial relation of his daughter.

3. On the basis of which a case under Section 498A/363/365/34 of the I.P.C. was registered. Subsequently, Shalini Kumari @ Shalini Kumari Gupta was found in association of one Aman Kumar @ Manu Kumar. It is ascertained that the said Aman Kumar @ Manu Kumar is the son of the maternal uncle of the husband of Shalini Kumari @ Shalini Kumari Gupta. The Investigating Officer also ascertained that both Shalini Kumari @ Shalini Kumari Gupta and Aman Kumar @ Manu Kumar performed marriage and they have been staying in a room of one Shashi Bhusband Pathak at Nokha.

4. During investigation Aman Kumar @ Manu Kumar was arrested and gold and silver ornaments along with sewing machine, pressure cooker, karahi (cooking utensil), dinner set, quilt, pillow, blanket, mixer machine, clothes and one Scooty was recovered from the possession of Shalini Kumari @ Shalini Kumari Gupta.

5. The mother-in-law of Shalini Kumari @ Shalini Kumari Gupta made an application praying for return of gold and silver ornaments as well as other household articles stating, inter



alia, that those articles were purchased by her before the marriage of his son Manoj Kumar.

6. Shalini Kumari @ Shalini Kumari Gupta also filed an application stating inter alia that the ornaments are stridhan properties and she got the ornaments at the time of her marriage. Therefore, these cannot be returned to the mother-in-law of Shalini Kumari @ Shalini Kumari Gupta.

7. Learned 1st Additional Sessions Judge, Rohtas at Sasaram passed an order directing the Officer-in-charge to release the seized properties in favour of Shalini Kumari @ Shalini Kumari Gupta after furnishing the indemnity bond and sureties. The said order is challenged in the instant revision.

8. The learned trial Judge in his impugned order had taken into consideration the decision of the Hon'ble Supreme Court in *Nevada Properties Private. Limited Vrs. The State of Maharashtra And Another*, reported in *2019 (4) PLJR (SC) 199*.

9. It was held in the said Judgment that an order under Section 451/452 of the Cr.P.C. is not an order determining title or ownership but that of right of possession and, therefore, where serious claims to ownership are put forward, it would be best if the criminal court directs the parties to establish their claim before the



civil court. However, the criminal court can pass appropriate order of interim nature as may be appropriate.

10. The learned Additional Sessions Judge deemed fit and proper that the interim custody of the gold and silver ornaments and other household articles should be given to Shalini Kumari @ Shalini Kumari Gupta, who claimed that those properties belonged to her as stridhan properties.

11. I do not find any ground for interference in the instant revision.

12. However, the petitioner is at liberty to challenge the title of the ornaments and other articles in appropriate civil court against the person to whom the possession of the articles is lying at present.

13. With the above order, the instant criminal revision is dismissed.

(Bibek Chaudhuri, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

