



Crl.O.P.No.3686 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.3686 of 2024

S.Karthiga

... Petitioner

/versus/

1.State Rep. by Superintendent of Police,
Salem District Police Head Quarters,
Salem Town, Salem District,
Tamil Nadu – 636 006.

2.State Rep. by Superintendent of Police,
Namakkal District Police Head Quarters,
Namakkal Town, Namakkal District,
Tamil Nadu – 637 001.

3.Inspector of Police,
Attur Town Police Station,
Salem District,
Tamil Nadu – 636 102.
(Crime No.475/2021)

4. Inspector of Police,
Namakkal Town Police Station,
Namakkal District,
Tamil Nadu – 637 001.
(Crime No.1729/2021).

... Respondents



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Prayer: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 to 4 to surrender the seized property of the petitioner being the 56 gram of gold out of 290 gram of gold in C.P.No.190/2021 in FIR No.1729/2021, dated 04.12.2021 seized by the 4th respondent and surrendered to the file of Judicial Magistrate, Namakkal, Namakkal District, to segregate and transfer to the file of FIR No.475/2021 dated 10.10.2021 pending on the file of Judicial Magistrate, Attur Town, Salem District and permit the petitioner to approach the Judicial Magistrate, Attur, for filing return of property of 56 grams of gold of the petitioner.

For Petitioner :Mr.K.M.Vivekanandan

For Respondents :Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The victim in a chain snatching case has moved this Court by filing this Original Petition for return of the property. However, the gold chain has been melted and is in ingot state. Only a part of the stolen property been recovered. The victim had lost 56 grams chain, out of 290 grams ingot recovered, she claims her share in it. The accused is tried in 13 different Courts across the State and all are pending. The cases are



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similar in nature. The petitioner's chain has lost its physical feature and cannot be segregated from the total mass.

2.This Court, earlier while hearing the case, adjourned the case to ascertain whether all the 13 cases can be transferred to one Court and decided by the same Judge, which will mitigate multiplicity of proceedings and also will enable the Court to distribute the recovered gold from the accused and to distribute among the victims proportionately.

3. The learned Government Advocate (Crl.Side) appearing for the State, after ascertaining from the respective Investigating Officers, submitted that all the 13 cases are in different stage and as on date, there is no scope to ascertain whether the jewels of the petitioner contributes to 290 grams of the gold ingot recovered.

4. In the said circumstances, this Court is unable to consider the prayer sought for in the petition seeking transfer of the ingot from one



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Court to another and return 56 grams of the gold to the petitioner from out of the 290 grams.

5. Hence, this Criminal Original Petition is closed for the present. However, the petitioner is at liberty to work out his remedy at the later point of time, after completion of the trial in his complaint.

14.06.2024

Index:yes/no

Neutral Citation:yes/no
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Copy to:-

1. The Judicial Magistrate, Namakkal.
2. The Judicial Magistrate, Attur Town, Salem District
3. The Superintendent of Police, Salem District Police Head Quarters, Salem Town, Salem District, Tamil Nadu – 636 006.
4. The Superintendent of Police, Namakkal District Police Head Quarters, Namakkal Town, Namakkal District, Tamil Nadu – 637 001.
5. The Inspector of Police, Attur Town Police Station, Salem District, Tamil Nadu – 636 102.
6. The Inspector of Police, Namakkal Town Police Station, Namakkal District, Tamil Nadu – 637 001.
7. The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN, J.

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