



WEB COPY



Crl.R.C.No.1487 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1487 of 2022

Baddireddy Subbarao

... Petitioner

Vs.

State Rep. by
Inspector of Police,
E-1 Mamallapuram Police Station,
Mamallapuram,
Chengalpattu District.

... Respondent

Prayer:

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code, seeking to call for records and set aside order passed in Crl.M.P.No.671 of 2021 dated 08.02.2022 on the file of the Hon'ble District Munsif Cum Judicial Magistrate, Thirukalkundrum.

For Petitioner : M/s.A.S.Neela Narayani
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The criminal revision case has been filed seeking to set aside the order dated 08.02.2022 passed by the learned District Munsif Cum Judicial Magistrate, Thirukalukundram in C.M.P.No.671 of 2021.

1/5



CrI.R.C.No.1487 of 2022

WEB COPY

2.The case of the petitioner is that the petitioner is an employee of M/s.Manappuram Finance Limited, which is a Non Banking Financial Company registered with the Reserve Bank of India and it lends money against gold through its various branches. On 10.07.2021 the accused in Crime No.444 of 2021 approached Kovilambakkam Branch of the Finance Company and obtained a sum of Rs.65,000/- by pledging 20.600 grams of golden Necklace. On 07.09.2021, the respondent seized the article pledged by the said accused and hence, the petitioner filed C.M.P.No.671 of 2021 before the learned District Munsif Cum Judicial Magistrate, Thirukalukundram, seeking return of the property and the said petition was dismissed. Hence, this revision.

3.The learned counsel for the petitioner submitted that the complainant claim that chain was stolen, whereas, the respondent seized a necklace, however, the trial Court without considering the same, dismissed the petition filed by the petitioner seeking return of the property. The learned counsel further submitted that the petitioner is ready to deposit 50% of the value of the seized jewel to the credit of the crime number and prayed for appropriate orders.



Crl.R.C.No.1487 of 2022

WEB COPY

4.The learned Government Advocate (Crl. Side) submitted that the interim custody of the property can be granted only if the owner of the property file petition seeking interim custody. In the present case, the petitioner is not the owner of the property and the petitioner is only the custodian of the property till the debt is cleared by the owner of the property. He further submitted that the owner of the property was not arrayed as party in the petition seeking return of the property filed by the petitioner and further submitted that if interim custody of the property is granted to the petitioner, the petitioner may tamper with evidence or witness and prayed for dismissal of the revision.

5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl. Side).

6.As rightly pointed out by the learned Government Advocate (Crl. Side), interim custody of the property can be granted only if the owner of the property file petition seeking interim custody. In the present case, the petitioner is not the owner of the property and the



CrI.R.C.No.1487 of 2022

petitioner is only the custodian of the property till the debt is cleared by the owner of the property. Further the owner of the property was

not arrayed as party in the petition seeking return of the property filed by the petitioner and hence if interim custody of the property is granted to the petitioner, the petitioner may tamper with evidence or witness. Therefore, this Court without interfering with the order impugned in this revision, grants liberty to the petitioner to work out the remedy after disposal of the criminal case.

7.The revision is dismissed.

11.06.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The District Munsif Cum Judicial Magistrate,
Thirukalukundram.
- 2.The Inspector of Police,
E-1 Mamallapuram Police Station,
Mamallapuram,
Chengalpattu District.

4/5



WEB COPY



Crl.R.C.No.1487 of 2022

M.DHANDAPANI,J.
pri

Crl.R.C.No.1487 of 2022



WEB COPY



CrI.R.C.No.1487 of 2022

11.06.2024