



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.352 of 2024
and Crl.MP.No.3242 of 2024

Ramesh

... Petitioner

Vs.

1. The State Rep. by
the Inspector of Police,
District Crime Branch,
Thiruvallur District.
(Crime No.37/2016)

2. Sekar

3. Suguna

4. Swaminathan
Respondents

...

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the impugned docket order in CMP.No.5855/2023 in CC.No.131 of 2019 dated 01.09.2023 passed by the learned Judicial Magistrate, Tiruttani directing the petitioner to return the gold jewels covered in PD.No.08/2017 within a period of one month and set aside the same which was incorporated in the original judgment at



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Para No.39 in CCNo.131 of 2019.

For Petitioner : Mr.S.Xavier Felix

For Respondent : Mr.A.Gopinath,

Government Advocate (Crl. Side)

ORDER

The revision has been filed seeking to quash the impugned docket order in CMP.No.5855/2023 in CC.No.131 of 2019 dated 01.09.2023 passed by the learned Judicial Magistrate, Tiruttani directing the petitioner to return the gold jewels covered in PD.No.08/2017 within a period of one month and set aside the same which was incorporated in the original judgment at Para No.39 in CCNo.131 of 2019.

2. The case of the prosecution is that the second respondent is arrayed as A2 in Cr.No.37/2016 on the file of the DCB, Thiruvallur dated 27.12.2016 for the offences under Section 406, 420, 34 of IPC based on the complaint lodged by the defacto complainant. After investigation, a final report has been filed before the learned Judicial Magistrate, Tiruttani in CC.No.131 of 2019. While arresting the second respondent, who is the father of the petitioner, the first respondent police recovered golden



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ornaments weighing more than 20 sovereigns from his custody. During trial, the petitioner has filed a petition sought for return of his jewels and the same was allowed. However, subsequently, the petitioners father has been convicted by the trial Court. Thereafter, the defacto complainant has filed a petition for return of jewels and the same was ordered. Aggrieved over the said order, the Criminal revision is preferred by the revision petitioner.

3. The learned counsel for the petitioner contended that the petitioner's father has preferred appeal before the lower appellate Court as against the conviction order. When the appeal is pending before the lower appellate Court, ordering return of jewels to the defacto complainant is not sustainable. is arrayed as second accused in this case and he is no way connected to the alleged offences. The petitioner is the owner of the aforesaid properties and the respondent has seized the properties from the second accused, which is unsustainable. The vehicle is kept in the custody of Police in open space in the Police Station. If the vehicle is kept in an open space, the value of the same will diminish over the period



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of time. However, on instructions, he submitted that the petitioner, without prejudice to his rights, is ready to pay a non-refundable deposit to the credit of the case.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners father along with other accused have committed the offences as alleged by the prosecution and the accused have not proved their innocence. Hence, he prays to dismiss the revision.

Heard the learned counsel on both sides and perused the materials available on record.

This Court perused the interim order. On perusal of the same, it is seen that the accused in this case have collected huge amount from the victim on the false promise to provide a job for them. The prosecution have proved the same by examining the witnesses and by marking documents. Before the trial Court, on the side of the defence, the accused



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have not filed any document and not examined any witnesses. The prosecution have proved the case beyond all reasonable doubt. The trial Court has rightly assessed the issue and this Court does not want to interfere with the same.

In the result, the revision is dismissed. Consequently, connected miscellaneous petition is closed.

25.07.2024

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Index: Yes/No
Speaking/Non-Speaking order

To

1. The Inspector of Police,
District Crime Branch,
Thiruvallur.

2. The District Judicial Magistrate, Tiruttani

3. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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