



Crl.A.(MD)No.1097 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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1.Kalaimani

2.Kalaivani

3.Malaikani @ Lakshmanan

4.Jothirani

5.Rajappa

6.Rajadurai

7.Nandhini

... Appellants

Vs.

The State of Tamil Nadu,
Rep. By the Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.101 of 2014)

... Respondent / Complainant



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PRAYER: Criminal Appeal filed under Section 500 of B.N.S.S. And Section 454 of the Criminal Procedure Code, against the Judgment dated 26.07.2023 made in S.C.No.61 of 2015 on the file of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

For Appellants : Mr.T.Antony Arulraj

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor.

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.Crime No.101 of 2014 was registered on the file of the Srivilliputhur Town Police Station, Virudhunagar District following the murder of one Saroja and her husband Solamalai. The case was investigated and final report was filed. The accused was given life sentence vide Judgment dated 26.07.2023 in S.C.N.61 of 2015 on the file



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of the Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur. It was a murder for gain. The jewellery belonging to the deceased Saroja was recovered from the accused. The court below while disposing of the case, ordered that the recovered jewellery shall be handed over to the legal owners after the disposal of the appeal. Challenging this part of the Judgment, this appeal has been filed by the appellants herein.

3.It is not in dispute that Saroja and Solamalai died issueless. It is also stated that Saroja did not execute any Will. As per Section 15 of the Hindu Succession Act, the rule of succession is as follows:-

“15. General rules of succession in the case of female Hindus.-

(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,- (a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband; (b) secondly, upon the heirs of the husband; (c) thirdly, upon the mother and father; (d) fourthly, upon the heirs of the father; and (e) lastly, upon the heirs of the mother.”



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4.The appellants herein are the siblings of Solamalai. They have also enclosed Class II legal heir certificates issued by the Tahsildar, Srivilliputhur.

5.In this view of the matter, the direction given by the court below that the jewels shall be returned only after disposal of the appeal is set aside. The appellants are permitted to file a petition under Section 452 of Cr.P.C before the Court below. The court below shall satisfy itself regarding the entitlement of the appellants over M.O.2 to M.O.12 and upon such satisfaction, return the recovered jewellery to the appellants. This criminal appeal is disposed of.

(G.R.S. J.) & (R.P. J.)
18.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To:-

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- 1.The Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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