



WEB COPY

CRL OP No. 23045 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23045 of 2025

1. S.Shanmugam
W/o.Saminathan, No.24, Kailasanthar
Kovil St, Muthoppu, Villupuram,
Kaveripattinam, Krishnagiri.

Petitioner(s)

Vs

1. State of Tamil Nadu Rep.by,
The Inspector of Police, Villupuram
Town Station, Villupuram.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to set aside the learned Principal Sessions Judge, Villupuram in CrI.R.P.No.22/2024 dated 27.06.2024 and order passed Judicial Magistrate-I, Villupuram, in CrI.M.P.No.8077 of 2023 dated 31.10.2023 and pass any other order, such orders that deem to be fit and proper to the circumstances of this case.

For Petitioner(s): Mr.P.Jayachandran



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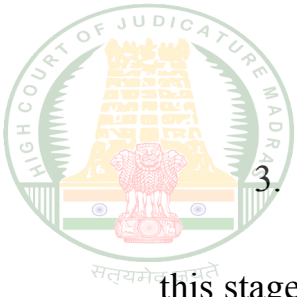


For Respondent: Mr.K.M.D.Muhilan,
Additional Public Prosecutor

ORDER

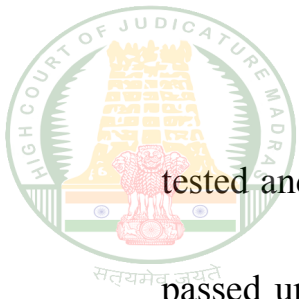
Challenge has been made to the Order passed by the trial Court and the Revision Court dismissing the petition filed under section 451 Cr.P.C., the present Criminal Original Petition has been filed.

2. The petitioner has been cited as the third witness in Crime No.210 of 2023 pending on the file of the respondent. Final report has been filed as against the accused that he had received 450 grams of gold from one Deepak and 200 grams from one Kumaran and 1600 grams of gold from the present petitioner. Pure gold has been handed over to accused. After receipt of the gold, remaining gold has not been returned by the accused. Therefore final report has been filed as against the accused for various offences under sections 406 and 420 of IPC.



3. The prosecution had seized 680 grams of ingot from the accused. At this stage, the third witness filed a petition for return of gold. According to him, he had handed over 1600 grams. The trial Court as well as the revision Court dismissed the petition on the ground that at this stage it cannot be decided who is entitled for return of the gold. As against which, the present petition has been filed.

4. I have perused entire materials. No doubt the petition has been filed to return of the gold. Normally, in these type of case, the property will be returned to the complainant. The fact remains that in this case, there are three persons, who have said to have been cheated by the accused. According to the prosecution all the three witnesses have parted with their gold to the accused. Though the version of the witnesses indicate that more gold has been handed over to the accused, the fact remains that only 680 grams had been seized by the investigation officer. Such being the position, on the basis of the statement of the one of the witness that he had parted 1600 grams alone, entire ingot seized from the accused cannot be handed over to him at this stage. This has to be



tested and decided only while concluding the trial and detailed Order has to be

passed under section 452 of Cr.P.C. by the concerned Court. Hence, I do not

find any merits in this petition.

5. Accordingly, this Criminal Original Petition is dismissed.

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Principal Sessions Judge,
Villupuram,
2. The Judicial Magistrate No.I,
Villupuram.
3. The Inspector of Police, Villupuram
Town Station, Villupuram.



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N.SATHISH KUMAR J.

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