



Crl.R.C.(MD).No.302 of 2025

'BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 17.03.2025

PRONOUNCED ON :21.03.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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... Petitioner / Petitioner/Owner of the property

Vs.

The State of Tamil Nadu
represented by
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(Crime No.52 of 2024)

... Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the order dated 25.02.2025 made in Cr.M.P.No.122 of 2025, on the file of the learned Judicial Magistrate, Paramakudi.



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For Petitioner : Mr.C.Senthil Murugan
For Respondent : Mrs.M.Aasha
Government Advocate(Crl.Side)

ORDER

This Criminal Revision is directed against the order passed in Cr.M.P.No. 122 of 2025, dated 25.02.2025, on the file of the Court of the Judicial Magistrate, Paramakudi, in dismissing the petition filed under Section 497 BNSS seeking interim custody of the property.

2. On the basis of the complaint lodged by the petitioner, F.I.R., came to be registered in Cr.No.52 of 2024 on 03.04.2024 against an unknown but identifiable lady, aged about 45 years for the alleged offence under Section 379 I.P.C. The case of the prosecution is that on 23.02.2024 at about 8.30a.m., when the petitioner visited Primary Health Centre at Parthibanoor and while returning after administering injection, one unknown woman approached the petitioner and gave water, that the petitioner after taking water has become unconscious, that she got conscious at about 04.30p.m., and found that her jewels weighing of 6 ½ sovereigns was stolen and that the petitioner's son-in-law lodged a complaint before the respondent police and F.I.R., came to be registered.



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3. It is the specific case of the prosecution that the respondent police arrested one woman and recovered 35.420 grams of gold in the form of bar from the said woman, that the said property was produced before the Judicial Magistrate Court and the same came to be remanded in P.R.No.22 of 2025 and that the petitioner has then moved an application under Section 451 Cr.P.C., (453 of BNSS) seeking interim custody of the gold recovered, in Crl.M.P.No.122 of 2025. The respondent police has raised objections stating that the petitioner, if interim custody is given, would change or sell the property. The learned Judicial Magistrate, after enquiry, by holding that the petitioner has not produced any materials to show that she is the owner of the gold bar, dismissed the petition. Challenging the impugned order, the present revision came to be filed.

4. When the matter was taken up earlier, this Court directed the respondent police to ascertain as to whether any other theft complaint came to be registered against the accused and the property involved therein.

5. When the matter was taken up subsequently, the Inspector of Police, Parthibanoor Police Station was present before the Court and submitted that the



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accused has given a confession statement stating that the jewels stolen from the petitioner was converted as the gold bar weighing 35.420 grams and that the recovered gold bar is not connected with any other case and also filed a report to the said effect. The learned Government Advocate (Crl.Side) has also produced a copy of the confession statement alleged to have been recorded from the accused.

6. Though the prosecution has raised objection before the learned Judicial Magistrate, before this Court they have not raised any objection and according to them, the jewels stolen from the petitioner came to be converted as gold bar by the accused and the same was recovered from the accused. Considering the above, the finding of the learned Judicial Magistrate that the petitioner has not produced any material to show that the recovered gold bar was owned by her, cannot be sustained for the simple reason that the petitioner has lodged a complaint as if her jewels were stolen, subsequently on the basis of the confession statement of the accused and the consequent recovery of the gold bar, the prosecution has stated that the said jewels were converted into gold bar. Considering the above, the impugned order dismissing the petition cannot be sustained and is liable to be set aside.



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7. In the result, the Criminal Revision Case is allowed and the impugned order, dated 25.02.2025 made in Cr.M.P.No.122 of 2025, on the file of the learned Judicial Magistrate, Paramakudi. is set aside and the property remanded in P.R.No.22 of 2025 is ordered to be returned to the petitioner on the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.3,50,000/- (Rupees Three Lakhs and fifty thousand only) with one surety for the likesum with the solvency certificate issued by the Tahsildar to the satisfaction of the learned Judicial Magistrate;

(ii) the petitioner shall furnish an undertaking before the learned Judicial Magistrate Court, Paramakudi stipulating that she will return the property or alternatively, pay the value of the gold bar at the prevailing market rate, if so directed by the Court.

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

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1. The Judicial Magistrate Court, Paramakudi.
2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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