



Crl.R.C.(MD)No.774 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.774 of 2023

Veeri

... Petitioner

Vs.

1.State rep.by the Inspector of Police,
Aviyoor Police Station,
Virudhunagar District.
Crime No.83 of 2018.

2.Azhaguraja

... Respondents

(R2 is impleaded as per order of the Court, dated 22.09.2023 in
Crl.M.P.(MD)No.11217 of 2023 in Crl.RC(MD)No.774 of 2023)

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 of
Cr.P.C., to call for the records relating to the order in Cr.M.P.No.7168 of
2018, dated 11.12.2018 on the file of the Judicial Magistrate No.II,
Virudhunagar and set aside the same.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side) for R1.



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: Mr.M.Jothi Basu, for R2.

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.7168 of 2018, dated 11.12.2018 on the file of the Judicial Magistrate No.II, Virudhunagar, dismissing the petition filed under Section 415 of Cr.P.C., seeking interim custody of the property.

2. It is evident from the records that the respondent police recovered five sovereigns of gold chain from the second respondent/accused and the same came to be produced before the trial Court and was remanded in P.R.No.370 of 2018, dated 20.12.2018 on the file of the Judicial Magistrate Court No.II, Virudhunagar. The petitioner claiming to be the owner of the jewels has filed an application in Cr.M.P.No.7162 of 2018, seeking interim custody. The second respondent/accused raised objections that the property is belonging to him that he alone has produced the jewel and that the respondent police has taken confession statement forcibly and on that basis, the property came to be recovered.



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3.The learned Magistrate, considering the rival claims and also taking note of the fact that the investigation is pending at that time, dismissed the petition.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the respondent police, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.131 of 2020 on the file of the learned Judicial Magistrate No.II, Virudhunagar and that subsequently, the case was transferred to the District Munsif cum Judicial Magistrate, Kariapatti and the case was taken on file in C.C.No.345 of 2024 and the case is pending for trial.

5.The learned Magistrate has rightly observed that since both are making rival claim, only after considering the evidence to be adduced in this case, ownership can be decided. Considering the above, the impugned order dismissing the petition cannot be found fault with.



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6.In the result, the Criminal Revision Case is dismissed. Since the case was registered in the year 2018, the learned Magistrate is directed to complete the trial and dispose of the case within a period of five months from the date of receipt of copy of this order and also pass property order considering the evidence to be adduced.

21.02.2025

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

To

- 1.The District Munsif cum Judicial Magistrate,
Kariappati.
- 2.The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
CrI.R.C.(MD)No.774 of 2023

Dated: 21.02.2025