



Crl.R.C.(MD)Nos.509 & 510 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)Nos.509 & 510 of 2025

and

Crl.M.P(MD)No.5234 of 2025

V.Nallakani

... Petitioner
(In both cases)

Vs.

1.State of Tamil Nadu rep. by
The Inspector of Police,
District Crime Branch,
Tenkasi District.
(Crime No.7 of 2024)

2.Karthick.B.Pillai

... Respondents
(In both cases)

(R2 is impleaded in Crl.R.C.(MD)No.509/2025 vide Court order, dated 28.04.2025 in Crl.M.P(MD)No.5900/2025)

PRAYER in Crl.R.C(MD)No.509 of 2025 : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C, to call for the records pertaining to the order, dated 26.03.2025 made in Crl.M.P.No.166 of 2025 on the file of the Judicial Magistrate No.I, Tirunelveli and set aside the same and return the properties to the petitioner.



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PRAYER in Crl.R.C(MD)No.510 of 2025 : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C, to call for the records pertaining to the order, dated 18.03.2025 made in Crl.M.P.No.1164 of 2025 on the file of the Judicial Magistrate No.I, Tirunelveli and set aside the same and return the properties to the petitioner.

For Petitioner : Mr.C.Mayil Vahana Rajendran
(In both cases)

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
(In both cases)

For R2 : M/s.G.Subiksha

COMMON ORDER

One Karthick.B.Pillai, who is the defacto complainant in Crime No.7 of 2024 on the file of the District Crime Branch, Tenkasi filed an application for return of jewellery in Crl.M.P.No.1164 of 2025 in Crime No.7 of 2024. In the same crime, the petitioner herein, namely V.Nallakani filed an application in Crl.M.P.No.166 of 2025 seeking return of the said jewellery. Karthick.B.Pillai is the defacto complainant in the said crime and the petitioner herein is the 1st accused in the said crime. Claiming the jewellery to be their own, the respective criminal miscellaneous petitions were filed by the defacto complainant and the 1st



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accused in the said crime before the Judicial Magistrate No.I, Tirunelveli.

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2. The learned counsel for the petitioner submitted that Crl.M.P.No.166 of 2025 was filed even before Crl.M.P.1164 of 2025 was filed by the defacto complainant. However, without disposing of the petitioner's application seeking return of property, the learned Trial Court in a hurry disposed of the later petition filed by the defacto complainant in Crl.M.P.No.1164 of 2025 on 18.03.2025 allowing the petition handing over the custody of the jewellery with a condition that the defacto complainant should not sell the same till the disposal of the criminal case in favour of the defacto complainant. Categorically contending that the said jewellery belong to him, the learned counsel for the petitioner submitted that the learned Trial Court ought to have disposed of his criminal miscellaneous petition seeking return of property at the first instance. He also pointed out that despite the defacto complainant having impleaded him as 2nd respondent in Crl.M.P.No.1164 of 2025, the learned Trial Court without giving an opportunity of hearing to the petitioner herein, had allowed Crl.M.P.No.1164 of 2025 in favour of the defacto complainant by order, dated 18.03.2025 and after a lapse of one week,

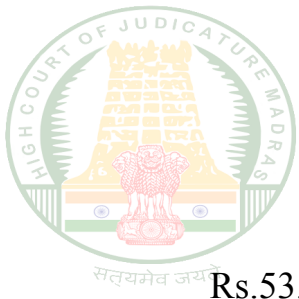


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dismissed Crl.M.P.No.166 of 2025 filed by the petitioner herein on
26.03.2025.

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3. Per contra, the learned Government Advocate (Crl.Side) categorically submitted that the crime was registered as against 7 accused, among whom the petitioner herein is arrayed as 1st accused for the offenses under Sections 316(2), 318(3), 318(4), 338, 339, 61(2), 351(2) of BNS. The petitioner is a habitual offender and 7 similar criminal cases of similar nature have already been registered against him and the same are pending. The petitioner had falsely promised the defacto complainant of arranging a loan to a tune of Rs.50 Crores, for which 1% commission which is to a tune of Rs.50 Lakhs was agreed by the defacto complainant. However, having received an amount of Rs. 53,82,800/- as commission, the petitioner deceived the defacto complainant by not arranging a loan to a tune of Rs.50 Crores. In the meanwhile, the petitioner had purchased the said jewellery utilizing the said amount received from the defacto complainant. Hence, the Trial Court has rightly handed over the property to the defacto complainant from whom the petitioner had fraudulently obtained an amount of

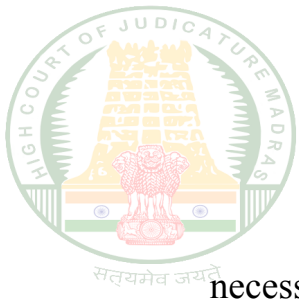


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Rs.53,82,800/-. Already the defacto complainant in tune of the order passed by the learned Trial Court had received the property. However, the same is subject to the condition that the defacto complainant should not sell the same till the disposal of the criminal case. Hence, there is no infirmity in the order passed by the learned Trial Court and pressed for dismissal of the revision cases.

4. The learned counsel for the 2nd respondent categorically contended that the 2nd respondent is the most affected person in the crime where the petitioner had wantonly defrauded the defacto complainant by a promise of arranging a loan to a tune of Rs.50 Crores, for which he had well in advance received an amount of Rs.53,82,800/- and having received the same and utilizing the same for purchasing the said jewellery, he had defrauded the defacto complainant by not arranging the loan and subjecting the defacto complainant to suffer financially when he was already suffering in penury. The learned counsel further submitted that the defacto complainant will abide by the condition imposed by the learned Trial Court that the property will not be sold till the disposal of the criminal case and hence, until the trial is concluded, it is not



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necessary for the petitioner to worry about the said jewellery and the jewellery is in safe hands. Hence, she pressed for dismissal of the revision case.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and the learned counsel for the 2nd respondent.

6. The only point for consideration of the petitioner's plight is that the impugned orders came to be passed without giving an opportunity of hearing to the petitioner herein. In view of the same, without setting aside the impugned orders passed by the learned Trial Court, this Court hereby remand the matter back to the learned Trial Court, giving a precise direction to take up the matter immediately within a period of one (1) week from the date of receipt of copy of this order and to give an opportunity of hearing to the petitioner herein in both Crl.M.P.Nos.166 & 1164 of 2025 and thereafter, decide the same in accordance with law, within a period of two (2) weeks therefrom.



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7. Accordingly, both the Criminal Revision Cases are disposed of.

Consequently, connected Miscellaneous Petition is closed.

05.06.2025

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

- 1.The Judicial Magistrate No.I,
Tirunelveli.
- 2.The Inspector of Police,
District Crime Branch,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)Nos.509 & 510 of 2025

Dated: 05.06.2025