



CrL.R.C.(MD)No.1329 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.1329 of 2023

Susilkumar

... Petitioner

-VS-

1.State : Through,
Forest Ranger, Kalakadu,
W.L.O.R.No.01 of 2023

2.State : Through Inspector of Police,
Kalakadu Police Station,
Crime No.53/2023.

... Respondents

PRAYER : Criminal Review Case filed under Section 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the order dated 30.05.2023 made in CrL.M.P.No.1127 of 2023 by the learned Judicial Magistrate, Nanguneri, and set aside the same.

For Petitioner : Mr.M.Gnanagurunathan
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (CrL.)

ORDER

Challenging the impugned order passed by the learned Judicial Magistrate, Nanguneri, in CrL.M.P.No.1127 of 2023 dated 30.05.2023, this Criminal Revision Case is filed.



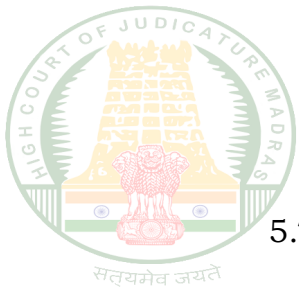
CrL.R.C.(MD)No.1329 of 2023

WEB COPY

2.The learned counsel appearing for the petitioner submitted that the petitioner has filed a petition under Section 451 r/w. 457 of Cr.P.C., to return the diamond which was seized from him and the same was disposed of by the learned Judicial Magistrate, Nanguneri, by recording the fact that the diamond seized from the petitioner has not been handed over by the respondent Police before the learned Judicial Magistrate till the date of order that is, till 30.05.2023 and thereby, directing the second respondent to hand over the same within a period of 10 days from the date of aforesaid order and take steps to effect Laboratory test to find out whether the seized material is diamond or not. However, the said diamond is not so far handed over before the learned Trial Court.

3.The learned Government Advocate (CrL.) for the respondent on instructions submitted that, after the order of the learned Trial Court, the property has already been produced before the learned Trial Court and the same has been sent to Forensic Test, at Chennai, to ascertain whether the same is a diamond vide P.R.No.323 of 2023.

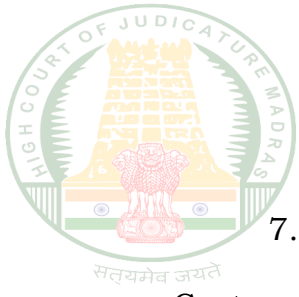
4.Heard both sides and carefully perused the materials available on record.



CrL.R.C.(MD)No.1329 of 2023

5.Taking note of the fact that the property has already been handed over to the learned Trial Court as early as in the year 2023 and now almost two years have lapsed, this Court is of the considered opinion that the property seized should be returned back to the petitioner, immaterial of whether it is diamond or not. According to the valuation certificate obtained by the Forest Officials, the value of the seized property was worth about Rs.50,00,000/- and the same is a diamond. The respondent has again sent the same to Forensic Laboratory, at Chennai and the same is awaiting for the result.

6.Considering the fact that it is a precious stone, which was in custody of the petitioner, which he had obtained from his father through a Will and this Court hereby direct the respondent Police to complete Forensic examination within a period of two weeks from the date of receipt of copy of this order and thereafter, hand over the custody of the seized property as an interim measure. It is made clear that the petitioner is not entitled to alienate the same till the disposal of the criminal case in Crime No.53 of 2023 and he is also dutiful to produce the same when and where the same is required for investigation.



CrL.R.C.(MD)No.1329 of 2023

7.In view of the same, this Criminal Revision Case is disposed of. No

Costs.

WEB COPY

09.06.2025

NCC :Yes/No

Index :Yes/No

Internet : Yes

Mrn

To

- 1.The Judicial Magistrate, Nanguneri.
- 2.The Forest Ranger, Kalakadu, Tirunelveli District.
- 3.The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.



WEB COPY



CrL.R.C.(MD)No.1329 of 2023

L.VICTORIA GOWRI, J.

Mrn

CrL.R.C.(MD)No.1329 of 2023

09.06.2025