



Crl.R.C.(MD)No.4 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.4 of 2024

and

Crl.M.P.(MD)No.15 of 2024

Sudarvijayan

... Petitioner

Vs.

State represented by
Sub Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(Crime No.353 of 2023)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the order passed in Crl.M.P.No. 690 of 2023 dated 04.12.2023 on the file of the learned Judicial Magistrate, Tenkasi and set aside the same and allow the criminal revision petition.

For Petitioner : Mr.D.Srinivasa Ragavan

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

The Criminal Revision is directed against the order passed in CrI.M.P.No.690 of 2023 dated 04.12.2023 on the file of the Judicial Magistrate Court, Tenkasi, dismissing the petition filed under Sections 451 and 457 Cr.P.C. seeking interim custody of the property.

2. It is not in dispute that the respondent police has recovered the jewels in connection with Crime No.353 of 2023 for the offence under Section 381 IPC and produced the same before the concerned Court and the same came to be received and remanded in R.P.R.No.852 of 2023 dated 11.12.2023. It is also not in dispute that the present petitioner and the defacto complainant have filed petitions under Sections 451 and 457 Cr.P.C. seeking interim custody of the same jewels and the learned Magistrate, after enquiry, has passed a common order dismissing the petitioner's petition and allowing the petition filed by the defacto complainant and thereby granted interim custody to the defacto complainant. Challenging the dismissal of the petition in CrI.M.P.No.690 of 2023, the present revision came to be filed.



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3. The learned counsel appearing for the petitioner would submit that since the learned Magistrate has granted interim custody of the vehicle to the defacto complainant and that ownership of the jewels has been disputed, the same has to be decided only at the trial and after such a finding given by the trial Court in the judgment or subsequently, the petitioner may be given liberty to proceed further.

4. Recording the submission made by the learned counsel appearing for the petitioner, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

12.02.2025

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

To

1. The Judicial Magistrate,
Tenkasi.
2. The Sub Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.4 of 2024
and
CrI.M.P.(MD)No.15 of 2024

Dated: 12.02.2025