



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-44422 of 2025

Date of Decision: 18.08.2025

Manish Kumar

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Pushp Jain, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. The present petition seeking for a direction to the respondent No.2 to return gold ornaments detailed in the FIR No. 102 dated 19.09.2007, registered under Sections 457 and 380 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”), Police Station Jhunir, District Mansa, has been filed by the petitioner, who faced prosecution before the learned trial Court i.e. Judicial Magistrate 1st Class.

2. The instant petition has been filed in the backdrop of the fact that the petitioner was prosecuted, pursuant to above mentioned FIR, for the commission of offence of theft, i.e. offence under Sections 457 and 380 IPC, and the above mentioned trial has culminated into acquittal of the petitioner. It is the case of the petitioner that appeal against the order of acquittal has also been dismissed and thus, he has been declared innocent. According to petitioner, since the above mentioned gold ornaments were

recovered from his possession and the complainant/respondent No.2 has failed to establish guilt of the petitioner, viz-a-viz his (complainant's) ownership qua the above mentioned property, the petitioner is entitled for the return of the jewellery, detailed above.

3. Notice of motion.

4. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent and waives service.

5. Heard.

6. A perusal of record shows that the petitioner himself is coming forward with a plea that against the order of acquittal, passed by the learned trial Court, which was affirmed by the learned Sessions Court on 18.01.2018, a revision petition is pending before this Court and the next date fixed in the above mentioned case is 28.10.2025. Since the revision petition against the order of acquittal of the petitioner is pending before this Court, in my opinion, no direction for return of the case property to the petitioner can be issued. Final adjudication with regard to guilt of the petitioner, and also with regard to ownership of the case property is yet to take place. Hence, at this stage, the present petition is premature. Otherwise also, it is for the Court, dealing with the revision petition, to decide the above mentioned issue. In the above said circumstances, in this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, any direction, sought by the petitioner, during pendency of the revision petition cannot be issued.

7. Resultantly, the present petition is not maintainable and the same is hereby dismissed, accordingly.

(Surya Partap Singh)
Judge

August 18, 2025
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No