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CRL OP No. 4926 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 4926 of 2026

Mallika

..Petitioner

Vs

The State Rep., by its
The Inspector of Police,
Central Crime Branch,
Veppery, Chennai – 07.
(Crime No. 177 of 2021)

..Respondent

Criminal Original Petition filed under Section 528 of BNSS to set aside the return docket order dated 12.01.2026 passed in Crime No.177 of 2021 on the file of the respondent by the learned Additional Metropolitan Magistrate for CCB Cases at Egmore.

For Petitioner:

Mr. R. Radha Pandian

For Respondent:

Mr. Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the return docket order dated 12.01.2026 passed in Crime No.177 of 2021 on the file of the respondent by the learned Additional Metropolitan Magistrate for CCB Cases, Egmore.



2. The petitioner, who is the mother of one Shivakumar, an accused in Crime No.177 of 2021, had filed a petition for return of property in CrI.M.P.No.3072 of 2025 before the Metropolitan Magistrate Court, for exclusive Trial of CCB Cases, relating to cheating cases in Chennai and CBCID, Metro Cases, Egmore, Chennai. The learned trial Judge, by order dated 03.03.2025, dismissed the said petition.

3. Aggrieved by the same, the petitioner preferred a revision in CrI.R.C.No.51 of 2025 before the Principal District and Sessions Judge, Chennai, who ordered that the custody of the articles seized from the petitioner's residence be handed over to the petitioner subject to certain conditions. The petitioner complied with the conditions, executed sureties and filed a surety memo along with the order of the Principal Judge which reads as follows:

“12. Accordingly, this revision petition is allowed and the learned Metropolitan Magistrate is directed to return the jewels to the revision petitioner for interim custody on the following conditions:

(i) The petitioner shall furnish a bond for Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties each for a like sum to the satisfaction of the learned () Additional Metropolitan Magistrate for CCB cases, Egmore, Chennai.*

(ii) The petitioner shall take a photograph of the said jewels clearly depicting its features and produce before the court.

(iii) The petitioner shall not alter or damage the jewels pending trial.

(iv) The petitioner shall produce the jewels as and when



required by the court and shall not pledge or alienate to any third party pending trial.”

4. Further, it is submitted that the petitioner filed an affidavit giving clarification, stating that except for one item, all items tallied. Item no.2, described as a bracelet (Nos.2) weighing 15.78 grams, ought to have been mentioned as Bangle. However, the Magistrate failed to entertain the petition and returned the same. Hence, the present petition has been filed.

5. From the submissions of the petitioner and upon perusal of the materials of record, it is seen that an order has been passed by the Principal Sessions Judge in Crl.R.C.No.51 of 2025 directing the return of articles to the petitioner. However, the learned Magistrate has not accepted the surety memo on the ground that there are discrepancies between the order and Form No.91. Specifically, in Page No.2 of the order, S.No.2 from Form-91. Likewise in Page No.2, S.No.16 differs from Form No.91 and in Page No.3, S.No.6 also differs from Form No.91. Thus, three discrepancies have been found in the order and the same has been treated as falling under Form No.95, resulting in non-acceptance of the surety memo. In view of the same, the present petition has been filed before this Court.

6. It is seen that the order for return of property has already been passed by the Principal Sessions Judge. Therefore, it would be appropriate for the



petitioner to approach the Principal Sessions Judge, who passed the order, for correction of the discrepancies.

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7. In view of the above and for the purpose of clarification and correction of the discrepancies, this Criminal Original Petition is disposed of.

8. The Registry is directed to return the original memorandum filed by the petitioner, so as to enable the petitioner to produce the same before the Principal Sessions Judge for necessary clarification.

22-04-2026

Neutral Citation: Yes/No
AT

To

1.The Additional Metropolitan Magistrate for CCB Cases,
Egmore.

2.The Principal District and Sessions Judge, Chennai

2.The Inspector of Police,
Central Crime Branch,
Veppery, Chennai – 07.

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

AT

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