

**In the court of VIIIth Addl. Sessions Judge,  
Bhojpur, Ara.**

**Sessions Trial No. 146/2012**

**O R D E R**

**09.11.2023**

Record put up for orders on the petition dated 11.10.2023 filed on behalf of the accused Manoj @ Churi.

Rejoinder dated 19.10.2023 has been filed on behalf of the prosecution.

Pressing the petition, ld. counsel for the accused has submitted that a notice was received by the petitioner from this court to submit report about the ornaments which were found on the person of the deceased at the time of postmortem and the ornaments were handed over to the petitioner by the police on Jimenama. It has been submitted that it is true that some ornaments were received by the petitioner on Jimenama but the petitioner after receiving it kept it in the wooden Almira kept in the room of the deceased. It has been submitted that the husband of the deceased Kamlesh Kumar @ Raju is absconding in this case since 2021 and the ld. Court issued process u/s 83 Cr.P.C. against the accused. It has been submitted that in compliance of the process u/s 83 Cr.P.C. Police seized the wooden Almira in which ornaments were kept. It has been submitted that the police did not prepare any inventory of the articles kept in the wooden Almira under lock and key despite repeated request. It has been submitted that the informant of this case is not the legal heir of the deceased as such the informant is not entitled to get the ornaments. Ld. Counsel has submitted to accept the petition and exonerate the petitioner from the liability of producing the ornaments.

On the other hand, L.d. Spl P.P. has submitted that the petition filed by the defence on 11.10.2023 is neither maintainable in law nor on facts and is liable to be rejected. It has been submitted that the petition has been filed with an intention to grab the ornaments handed over to him by the police on Jimenana which were recovered from the dead body of the deceased. It has been submitted that earlier the petitioner took the plea when he filed the petition dated 29.05.2022 before SHO Ara Town that the ornaments received by him on Jimenama were handed over to his mother Madhu Srivastava who died on 08.06.2013 and he does not have any knowledge as to where the ornaments were kept by his mother. It has further been

submitted that now the accused has changed his own version and has submitted that the ornaments were kept in Almira which was Kurked by the police. It has been submitted that the accused has changed his version only with an intention to grab the ornaments. Ld. Spl P.P. has sought to reject the petition.

I have heard the submissions and gone through the materials available on the record. It transpires that the petitioner/accused was handed over some ornaments found on the person of the deceased at the time of postmortem on Jimenama by the police. It transpires that my ld. Predecessor vide its letter 29 dated 25.05.2022 called for a report from the police about the seized articles and in compliance of the same police submitted its report on 29.05.2022 and my ld. predecessor vide its order dated 30.05.2022 directed the police to hand over the specific items to the informant after due verification. It further transpires that the accused/petitioner vide its petition dated 29.05.2022 submitted before the SHO Ara Town that on 28.09.2009 police handed over a gold ear Jhumka, a gold ring (3 bhar), gold nose pin, 200 rupees in cash, a silver ring with Moti, a Silver ring with gomed, a pair of silver Bichhiya and a pair of silver Payal. The petitioner further submitted that these ornaments were handed over to his mother Madhu Srivastava who died on 08.06.2013 and after her death he searched the ornaments in the wooden Almira kept in her room but did not recover anything. It further transpires that the petitioner/accused has changed his version before the court and has submitted that the ornaments were kept in the wooden Alamira which was Kurked by the police and no inventory was made. It appears that the petitioner/accused has taken the plea and has changed his version only with a view to get him exonerated from the liability of his Jimenama. The petitioner/accused was under legal obligation to produce the ornaments when required by the court but it appears that the petitioner/accused has misappropriated the property. The petitioner/accused therefore, can not escape the liability.

Under the circumstances the petitioner/accused is directed to produce the ornaments before the court by the next date of hearing failing which appropriate legal action would be taken against the petitioner/accused.

The petition dated 11.10.2023 filed by the petitioner/accused being devoid of merits is hereby **rejected**.

Today also a similar petition has been filed by the petitioner/accused, the contents of which are same as that of petition dated 11.10.2023 except for the fact

that the petitioner has alleged that in the petition dated 29.05.2022 filed by him before SHO Ara Town, he wrote only those things which were told by the SHO.

This petition also appears to be an attempt to escape the liability and does not have any merit and the same is also **rejected**.

Put up on 30.11.2023 for further proceeding.

**Dictated**

**(Neeraj Kishore)**  
**Addl. Sessions Judge-VIII.**  
Bhojpur at Ara.  
**Dated: 09.11.2023.**