



**IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.**

PRESENT : Thiru. K.Poorana Jeya Anand, M.A., M.L.,
Principal Sessions Judge, Pudukkottai.

Friday, the 13th day of March, 2026.
(Thiruvalluvarandu 2057 Sri Visuvavasu Varudam Masi Thingal 29th day)

Cr.R.P.No.07/2025
(CNR No.TNPD01 001452 2025)

Krishnamoorthy, aged 72/2025 years,
S/o.Hariharan,
Plot No.181, Palaniyappa Nagar,
Thirugokarnam Post, Pudukkottai
District.

Revision Petitioner / Defacto
... complainant

versus

State represented by
Inspector of Police,
Thirugokarnam Police Station,
Crime No.167/2024.

... Respondent / Complainant

This Criminal Revision Petition has come up for final hearing before me on 10.02.2026 in the presence of Mr.M.Kulam Nabi Azath, Learned Advocate appearing for the revision petitioner and of Mr.B.Venkatesan, Learned Public Prosecutor appearing for the respondent and upon hearing the arguments put forth on both sides and upon perusing the available records and having stood over for consideration till this day, this court passed the following...



ORDER

1) This Criminal Revision Petition has been filed by the Revision Petitioner u/s 440 of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023, against the order passed by the Learned Judicial Magistrate No.II, Pudukkottai on 12.03.2025 in Cr.M.P.No.745/2024.

2) **The facts necessary for disposal of this Criminal Revision Petition are as follows:-** The revision petitioner has filed a petition in Cr.M.P.No.745/2024 before the trial court u/s 497 & 503 of BNSS, for interim custody of the jewels namely 1 1/2 sovereign of gold bangles -2 Nos, 1 sovereign of gold bangles - 2 Nos, 1 1/2 sovereign of gold coral necklace - 1, 2 1/2 sovereign of gold black bead necklace -1, 8 1/2 sovereign of gold bars and 5 sovereign of gold jewels, which are alleged to have been seized by the respondent in a case registered in Cr.No.167/2024 under section 454, 457, 380 of IPC. After full enquiry, the Learned Judicial Magistrate No.II, Pudukkottai has dismissed the petition. Aggrieved over the said dismissal order, the revision petitioner has preferred this Criminal Revision Petition.

3) The revision petitioner has stated in the revision petition that stolen gold jewels belonging to him has been recovered and is currently in the custody of the police station. As he requires the jewels for his personal use. The petitioner further submits that if the court orders the return of the jewels, he will not alter, sell or pledge



them and he is ready and abide by any conditions imposed by the court and provide necessary sureties. Therefore, it is prayed to revise the order of the court below and order for interim custody of gold jewels to the revision petitioner pending disposal of the case.

4) On the other hand, the Learned Public Prosecutor submitted that the Learned Judicial Magistrate No.II, Pudukkottai has passed a just and reasonable order which need not to be revised in this revision petition.

5) **Point for determination in this Criminal Revision Petition is**

Whether this Criminal Revision Petition is to be allowed or not?

Point:

6) The submissions put forth on both sides are taken into consideration and perused the records. As per FIR, a case has been registered by the respondent in Cr.No.167/2024 u/s 454, 457, 380 of IPC for the commission of theft.

7) It is further revealed from the FIR that the petition mentioned offending 1 1/2 sovereign of gold bangles -2 Nos, 1 sovereign of gold bangles - 2 Nos, 1 1/2 sovereign of gold coral necklace - 1, 2 1/2 sovereign of gold black bead necklace -1, 8 1/2 sovereign of gold bars and 5 sovereign of gold jewels have been seized by the respondent and the accused has been remanded into judicial custody in R.P.No.11/2025.



8) On perusal of the order copy in Cr.M.P. No.745/2024 dated 12.03.2025 of the Judicial Magistrate No.II, Pudukkottai, it came to know that the above petition was dismissed on the ground that if the jewels are handed over to the revision petitioner, he may alter, pledge or sell the jewels and he would not produce the same, when it will be required by the Court and the investigation is pending.

9) As per records and submissions put forth on either sides and the order of the Learned Judicial Magistrate No.II, Pudukkottai it is revealed that the petition mentioned offending 1 1/2 sovereign of gold bangles -2 Nos, 1 sovereign of gold bangles - 2 Nos, 1 1/2 sovereign of gold coral necklace - 1, 2 1/2 sovereign of gold black bead necklace -1, 8 1/2 sovereign of gold bars and 5 sovereign of gold jewels are still in the custody of the learned Judicial Magistrate No.II court,Pudukkottai in R.P.No.11/2025.

10) The Learned Public Prosecutor has fairly conceded that the revision petitioner is the owner of the petition mentioned 1 1/2 sovereign of gold bangles -2 Nos, 1 sovereign of gold bangles - 2 Nos, 1 1/2 sovereign of gold coral necklace - 1, 2 1/2 sovereign of gold black bead necklace -1, 8 1/2 sovereign of gold bars and 5 sovereign of gold jewels. So, it is made clear that the respondent also does not dispute the ownership of the revision petitioner over the petition mentioned jewels which are sought to be returned pending disposal of the case.



11) From the above, it is revealed that the revision petitioner is the owner of the petition mentioned jewels.

12) At this juncture, this court relied upon the judgment in **Sunderbhai Ambalal Desai Vs. State of Gujrat reported in AIR SC 2003 Page 638**, wherein it is held as follows:

“Section 451 clearly empowers the Court to pass appropriate orders with regard to such property, such as-

(1) for the proper custody pending conclusion of the inquiry or trial;

(2) to order it to be sold or otherwise disposed of, after recording such evidence as it think necessary;

(3) if the property is subject to speedy and natural decay, to dispose of the same.

.....

To avoid such a situation, in our view, powers under Section 451 Cr.P.C. should be exercised promptly and at the earliest.

Valuable Articles and Currency Notes

With regard to valuable articles, such as golden or sliver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, Magistrate should pass appropriate orders as contemplated under Section 451 Cr.P.C. at the earliest.



For this purposes, if material on record indicates that such articles belong to the complainant at whose house theft, robbery or dacoity has taken place, then seized articles be handed over to the complainant after:-

- (1) preparing detailed proper panchanama of such articles:*
- (2) taking photographs of such articles and a bond that such articles would be produced if required at the time of trial; and*
- (3) after taking proper security.*

For this purpose, the Court may follow the procedure of recording such evidence, as it thinks necessary, as provided under Section 451 Cr.P.C. The bond and security should be taken so as to prevent the evidence being lost, altered or destroyed. The Court should see that photographs or such articles are attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Still however, it would be the function of the Court under Section 451 Cr.P.C. to impose any other appropriate condition.

In view of the above decision, this court observed that it is of no use to keep the seized jewels at the police station for a long time.

13) For the foregoing reasons and discussions and in view of the citation stated supra, this court is inclined to allow this revision petition with conditions by setting aside the order passed by the Learned Judicial Magistrate No.II, Pudukkottai and thus, this point is answered accordingly.



14) In the result, this Criminal Revision Petition is allowed by setting aside the order passed by the Learned Judicial Magistrate No.II, Pudukkottai on 12.03.2025 and allowing the petition in Cr.M.P.No.745/2025 with the following conditions:-

- 1 The Jurisdictional Magistrate is directed to hand over the said jewels namely 1 1/2 sovereign of gold bangles -2 Nos, 1 sovereign of gold bangles - 2 Nos, 1 1/2 sovereign of gold coral necklace - 1, 2 1/2 sovereign of gold black bead necklace -1, 8 1/2 sovereign of gold bars and 5 sovereign of gold jewels in favour of the revision petitioner, who is the owner of the same, on interim custody **after proper identification through respondent and with documents** till the disposal of the case in Crime No.167/2024 of Thirugokarnam Police Station;
- 2 The Revision Petitioner shall execute a personal bond for a sum of **Rs.10,000/-** with two sureties each for a like sum to the satisfaction of the Jurisdictional Magistrate;
- 3 The Revision petitioner shall take photograph of the above said jewels from all angles and produce the photographs and CD before the Jurisdictional Magistrate's Court;
- 4 The Revision Petitioner shall file an Affidavit before the Jurisdictional Magistrate's Court that
 - i) He should produce the said jewels before the Court as and when

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required;

ii) He should not sell, change or alter the nature or otherwise dispose of the above said jewels till the disposal of this case.

This order is directly dictated to Executive Assistant of this court, typed by her in computer, corrected then and there and pronounced by me in open court, this the 13th day of March, 2026.

PRINCIPAL SESSIONS JUDGE,
PUDUKKOTTAI.

Copy to: The Judicial Magistrate No.II, Pudukkottai.

Copy to: The Inspector of Police, Thirugokarnam P.S,