

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 6864/2022

Suraj Shantaram Deshmukh Son Of Shantaram Deshmukh,
Resident At Hiwarwadi (Deshmukhla), Post Padal, Khatav
Hitarwadi Satara, Maharashtra At Present Tenant Banwari Lal
Choudhary Makaan,, Behind Pragati Public School, Dhod Road,
Sikar, District Sikar (Raj).

----Accused-Petitioner

Versus

State of Rajasthan, Through P.P.
Prathamesh Tanhaji Honavar Urf Mahesh Son of Shri Tanhaji
Honavar Age About 23 Years Resident of At Dhanvad Khanapur
Police Station Vita Sangli Maharashtra

----Respondents

For Petitioner(s)	:	Mr. Vikas Saini for Mr. K.K. Bhinda
For Respondent(s)	:	Mr. Gaurav Gupta, Ass. G.A

JUSTICE ANOOP KUMAR DHAND

Order

07/05/2026

1. By way of filing the instant petition, a challenge has been made to the impugned order dated 13.06.2022, passed by the Court of Additional Chief Judicial Magistrate, Sikar by which the application submitted by the petitioner under Section 451 Cr.P.C, seeking *Supurdagi* of the seized ornaments, was rejected.
2. Aggrieved by the aforesaid order, a revision petition was submitted by the petitioner, however, the same was also rejected by the Court of Additional Sessions Judge No.3, Sikar vide impugned order dated 16.07.2022.

3. Learned counsel for the petitioner submits that certain ornaments were seized from the premises of the petitioner in connection with FIR No.244/2022, registered at Police Station Kotwali, District Sikar for the offence punishable under Section 408 IPC. Since the petitioner is the owner of these ornaments, hence, an application was submitted by him for getting *Supurdagi* of the same till conclusion of the trial. However, the Court below has rejected the aforesaid application vide impugned order dated 13.06.2022, without any justified reason or explanation. Hence, interference of this Court is warranted.

4. *Per contra*, learned Public Prosecutor opposed the prayer and submitted that the ornaments were stolen from the shop of the petitioner and the same has been recovered at the instance of the accused and thereafter, charge-sheet has been submitted against the accused and charges have also been framed. The Court below was of the view and opinion that the ornaments were not duly identified and the same are required to be exhibited as articles before the Trial Court during the course of trial, when the statements of the witnesses would be recorded for them to identify the same. Hence, under these circumstances, the prayer for release of the seized ornaments cannot be entertained.

5. In the considered opinion of the Court, the Trial Court has not committed any error in passing the order impugned, the ornaments would be required to be exhibited as articles before the Trial Court during the course of trial for due identification of the same by the witnesses.

6. The instant petition stands disposed of by issuing directions to the learned trial Judge to pass appropriate order under Section

452 Cr.P.C. at the time of conclusion of trial and in case, the Trial Court is convinced that the seized ornaments in question belong to the petitioner, appropriate orders be passed strictly in accordance with law.

7. Accordingly, the instant petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J