



CIRCULAR.

P. Dis.No. 205 of 1984.

Sub : COURTS - Subordinate - Criminal Courts -
Gold Articles - Ornaments, ingots etc. -
Received as case properties - Disposal of
- Instructions - Regarding.

It has been brought to the notice of the High Court that Subordinate Criminal Courts are not following the procedure prescribed in Section 110 of the Gold Control Act 1968, in respect of Gold articles, Ornaments and Ingots seized by Police officers, but instead, are being either confiscated and sold in Public auction or returned to the person, who, in the opinion of the concerned Subordinate Criminal Court, is entitled to it. The High Court issues the following instructions to the Subordinate Criminal Courts for being strictly followed in respect of gold articles, Ornaments or Ingots produced before them by Police Officers :-

- 1) The Subordinate Criminal Courts shall not, either under Section 451 or Section 457(1) of the Code of Criminal Procedure 1973, give interim custody of gold ornaments, articles or Ingots seized and produced before them by the Police.
- 2) The Subordinate Criminal Courts, when the property concerned, in any case before them, is gold articles, ornaments or Ingots, shall not, at the conclusion of the trial in that case, direct the return of the same to any person, who, in their opinion, is entitled to it. In such cases, the Subordinate Criminal Courts shall convey the gold articles, ornaments, or Ingots to the nearest Gold Control Officer, of and above the rank of a Superintendent, Central Excise, safely and securely under a proper acknowledgment for being dealt with under the provisions of the Gold Control Act. The Subordinate Criminal Court concerned, shall intimate the concerned Police, and the person,

who, in their opinion, is entitled to the gold articles, ornaments, or Ingots, that the gold articles, ornaments or Ingots have been sent to the Gold Control Officer.

- 3) The Subordinate Criminal Courts shall convey the gold articles, ornaments or Ingots, whether concerned in any case before it or not, ordered to be confiscated by them, safely and securely to the nearest Gold Control Officer, of and above the rank of Superintendent, Central Excise, for being dealt with under the provisions of the Gold Control Act, as they are confiscated to the State.

High Court, Madras-600 104. 0
Date : 24-10-1984.

(Sd.) C. Sundaram,
Addl. Registrar.

/True copy/Forwarded/By order/

Sub Asst. Registrar (A.D.)

To

- 1) All the District and Sessions Judges.
- 2) All the Chief Judicial Magistrates, with sufficient number of copies for communication to the Subordinate Magistrates under their control.
- 3) The Chief Metropolitan Magistrate, with sufficient number of copies for communication to the Magistrates under his control.
- 4) 25 copies for file.

As/25.10.

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Copy communicated
to all magistrates

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24/11/84



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