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CRL RC No. 749 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 749 of 2026

Usen Sherief

..Petitioner(s)

Vs

The Inspector of Police
Cyber Crime Division-1,
Tambaram City Police Station,
CSR No. 21/2026.

..Respondent(s)

PRAYER – This Criminal Revision Case is filed under Sections 397 and 401 of BNSS, to call for the records relating to the order passed in Crl.M.P.No. 217 of 2026 dated 18.02.2026 on the file of the learned Judicial Magistrate-II, Chengalpattu and set aside the same.

For Petitioner(s): Mr.S.Sairaman

For Respondent(s): Mr.M.M.I.Khaleel
Government Advocate (Criminal Side)

ORDER

This present Revision has been filed before this Court challenging the order dated 18.02.2026 passed by the Judicial Magistrate – II, Chengalpattu, in Crl.M.P.No.217 of 2026, by which the petition filed by the petitioner for release of the amount of Rs.5,57,620/- was rejected.



2. The fact of this case as narrated by the petitioner is that the defacto complainant, who is the petitioner by name Usen Sherief, has been cheated by certain unknown persons in an online fraud, resulting in a wrongful loss of a sum of Rs.19,76,777/-. Consequently, he lodged a complaint before the respondent Police, pursuant to which a case was registered and investigation commenced. During the course of investigation, the respondent Police succeeded in freezing the bank accounts of the fraudsters to the extent of Rs.5,57,620/-, being part of the defrauded amount.

3. Thereafter, the petitioner filed Crl.M.P.No.217 of 2026, before the learned Judicial Magistrate No.II, Chengalpattu, seeking release of the aforesaid amount. The learned Magistrate, however, dismissed the petition. Aggrieved by the said order, the present Criminal Revision Case has been preferred.

4. The learned counsel appearing for the petitioner submitted that the impugned order is liable to be set aside as the learned Magistrate failed to take into consideration the materials available on record. It was contended that the petitioner had produced all the necessary documents establishing his identity, the source account from which the amount had been transferred and his entitlement over the recovered amount. It was further submitted that the respondent Police themselves, in the counter affidavit filed before the learned Magistrate, had categorically admitted that the amount belonged to the

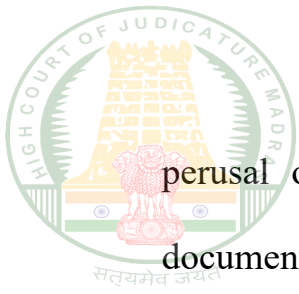


petitioner and had also stated that there was no rival claimant to the said amount. Despite such categorical admission, the learned Magistrate rejected the petition on an erroneous assumption that the petitioner had not produced sufficient documentary evidence. Hence, it was submitted that the impugned order suffers from non-application of mind and is liable to be interfered with.

5.Per contra, Mr.M.M.I.Khaleel, learned Government Advocate (Crl. Side), filed counter affidavit and on instructions, submitted that during investigation, the respondent police had identified and frozen a sum of Rs.5,57,620/- lying in the accounts of the accused persons. It was fairly submitted that the said amount has been verified to belong to the petitioner and that no other person has laid any claim over the same. It was further submitted that the respondent Police have no objection for release of the said amount in favour of the petitioner, subject to appropriate directions being issued to the concerned banks for facilitating the transfer.

6.This Court has carefully considered the rival submissions and perused the materials available on record.

7.The sole reason assigned by the learned Judicial Magistrate for dismissing the petition is that the petitioner had not produced sufficient documentary evidence to establish his entitlement over the amount. However, a

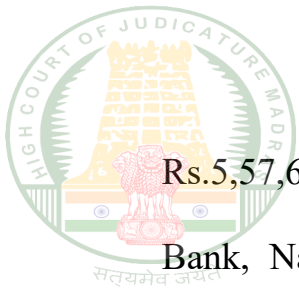


perusal of the records reveals that the petitioner had placed the relevant documents before the Court. More importantly, the respondent Police, in the counter affidavit filed before the learned Magistrate as well as before this Court, have unequivocally stated that the amount of Rs.5,57,620/- belongs to the petitioner and that there is no rival claimant to the said amount.

8.Once the investigating agency itself has verified the petitioner's claim and has expressed no objection for release of the recovered amount, the learned Magistrate ought to have considered the same in its proper perspective. The impugned order does not advert to the categorical stand taken by the respondent Police and, therefore, suffers from non-application of mind. The learned Magistrate has failed to exercise the jurisdiction vested in him in accordance with law.

9.In view of the above, this Court is satisfied that the petitioner has established a *prima-facie* entitlement to the recovered amount. Accordingly, the impugned order dated 18.02.2026 made in Crl.M.P.No.217 of 2026 on the file of the learned Judicial Magistrate No.II, Chengalpattu, is set aside.

10.Consequently, this Criminal Revision Case is allowed. The respondent Police viz., The Inspector of Police, Cyber Crime Division – 1, Tambaram City Police Station, are directed to take necessary steps for release of a sum of



Rs.5,57,620/- in favour of the petitioner into his Bank account in City Union Bank, Navalur Branch bearing Account No.500101010248175, IFSC Code:

CIUB0000484. The concerned Banks, namely Deutsche Bank and Saraswat Co-operative Bank, shall co-operate with the respondent Police in transferring the aforeaid amount to the petitioner's bank account, in accordance with law, within a period of three weeks from the date of a receipt of a copy of this order.

16-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes

GSA

To

1. The Inspector of Police
Cyber Crime Division-1,
Tambaram City Police Station,

2.The Public Prosecutor,
Madras High Court.

3.Deutsche Bank,
No. K-2, 3rd Floor,
Som Datt Tower,
Sector 18, Noida Branch,
Gautam Buddha Nagar,
Uttar Pradesh 201 301.

4.Saraswat Cooperative Bank,
Kalamna Market Branch,
Bhandara Road, Nagpur,
Maharashtra 440 008.



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SHAMIM AHMED J.

GSA

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