

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.1357 of 2008

R.Durairaj

.. Petitioner/Petitioner

Versus

1. Y.M.D.Akbar Ali

2. State rep.by Inspector of Police
City Crime Branch

Coimbatore City, Coimbatore. .. Respondents/Respondents

R2 impleaded as per the order of this
Court dated 10.11.2008 in M.P.No.1 of 2008

Criminal Revision case filed under Sections 397 and 401 of
Cr.P.C. against the order dated 29.07.2008 passed by the learned
Judicial Magistrate No.III, Coimbatore in C.M.P.No.4915 of 2008.

For Petitioner : Mr.J.Pothiraj

For Respondents : Mr.N.Sivabharathi
for R1 [Legal Aid Counsel]
Mr.T.Arul
Government Advocate (Crl.side)
for R2

ORDER

The petitioner is the complainant. The above Criminal Revision
Petition has been filed challenging the order dated 29.07.2008 passed
by the learned Judicial Magistrate No.III, Coimbatore in
C.M.P.No.4915 of 2008 in rejecting the petition filed under Section
457 of Cr.P.C. for return of property, viz., cash to the tune of
Rs.2,50,000/-, which has been embezzled by the first
respondent/accused from the District Supply Office, Coimbatore.

2. According to the petitioner, he is working as a District
Supply Officer in Coimbatore and he has filed a petition before the
Court below for return of cash, in a sum of Rs.2,50,000/-, which has
been recovered from the first respondent/accused as the same is meant
for conducting a Training Programme to the Women Self Group organized
by the Government of India, through the Government of Tamil Nadu.
However, the Court below dismissed the same on the ground that if
the cash is returned back to the petitioner to implement the
Government schemes, it will be difficult to mark the property.

Hence, the revision.

3. The learned counsel for the petitioner submits that the petitioner has to conduct a training programme for the Women Self Help group as per the Government Scheme and for that purpose, he require the seized amount. However, the same has been freezed by the Investigating Officer and has been kept in Bank deposit as per the order passed by this Court. Therefore, the learned counsel appearing for the petitioner prayed this Court to allow this Criminal Revision Petition by returning the said amount, instead of keeping it in Bank deposit.

4. Though notice has been served on the first respondent/accused, no one appeared. Hence, this Court appointed a Legal Aid Counsel on his behalf and he submitted his arguments.

5. Learned Government Advocate (Criminal side) appearing for the respondent-police vehemently opposed for allowing this Criminal Revision Case. Further, returning the property, viz., money, to the petitioner will adversely affect the trial of the case. However, he would submit that a direction may be issued to the Court below for early disposal of the matter.

6. Heard all parties concerned and perused the records.

7. The only point raised by the petitioner in this revision is that the amount recovered from the first respondent/accused has been kept in Court deposit without any purpose being served and the same is required for conducting the Governmental schemes.

8. Taking into consideration the fact that the embezzled amount has been kept in Bank deposit only as per the order passed by this Court, the petitioner need not worry about the same. Furthermore, it will earn interest also and as held by the Court below, it may require for proper conduct of trial in the matter. Hence, without expressing any opinion, the Court below is directed to dispose of the very case itself as expeditiously as possible.

9. With the above direction, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III, Coimbatore
2. do thro' The Chief Judicial Magistrate, Coimbatore.
3. The Public Prosecutor, Madras
4. The Inspector of Police, City Crime Branch,
Coimbatore City, Coimbatore.

+1 cc to Mr. J Pothiraj, Advocate, SR.28318
<https://hcservices.ecourts.gov.in/hcservices/>

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Cr1 RC No.1357 of 2008