



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2015

CORAM:

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THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Crl.R.C.(MD)Nos.227 to 234 of 2015

D. VENKATAGIRI	:Revision Petitioner in CRL RC(MD).227/2015
S. RAJA POORNA CHANDRAN	:Revision Petitioner in CRL RC(MD).228/2015
S. SENTHIL @ SENTHIL MURUGAN	:Revision Petitioner in CRL RC(MD).229/2015
G. SIVARAJA	:Revision Petitioner in CRL RC(MD).230/2015
D. MATHIMARAN	:Revision Petitioner in CRL RC(MD).231/2015
R.M. NAGALINGAM	:Revision Petitioner in CRL RC(MD).232/2015
ILAMAHIZHAN @ MAHIZHAN	:Revision Petitioner in CRL RC(MD).233/2015
A. NAGARAJ	:Revision Petitioner in CRL RC(MD).234/2015

Vs.

The Inspector of Police,
Thirunagar Police Station,
Madurai District.

.. Respondent in all the Crl.OPs.

Prayer: Criminal Revision Petitions filed under Section 397 r/w 401 Cr.P.C., to call for the records in order of the learned Judicial Magistrate, No.VI, Madurai, in Cr.M.P.No.1919 of 2015 to 1926/2015 respectively in C.C.No.339 of 2013 dated 30.04.2015 and set aside the same and order custody and possession of the amount of Rs.15,00,000/-; Rs.10,00,000/-; 5,00,000/-; Rs.10,00,000/-; Rs.10,00,000/-; Rs.5,00,000/-; Rs.10,00,000/-; Rs.10,00,000/- respectively which are under the custodia legis of learned Judicial Magistrate Court, No.VI, Madurai, in Property Register Number 178/2011.

For Petitioner
in all the petitions

:: Mr.M.Gururaj

For Respondents
in all the petitions

:: Mr.P.Kannithevan
Government Advocate (Crl. Side)

COMMON ORDER

All these revision petitions have been filed against the separate common orders passed by the learned Judicial Magistrate No.VI, Madurai, in Cr.M.P.Nos.1922 to 1926 of 2015 seeking return of the properties seized in this case by the respondent police from the accused.

2. I have heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) for the respondent and I have also perused the records carefully.



3. On the complaint of one Mr. Raja Poornachandran, the Inspector of Police, Thirunagar Police Station, registered a case in Crime No.169 of 2011 under Section 420 IPC against (i) Mr. Vivekanandan alias Venkatesan (ii) Brindha, W/o. Vivekanandan alias Venkatesan, (iii) Kavin care of Vivekanandan. According to the case, the first accused made a false statement that he was working in Mauritius and he could purchase gold jewels and gold biscuits from Mauritius at a cheaper rate and sell the same in India for higher rates. For that purpose, assuring good return, he collected various amounts from these petitioners. The accused 2 and 3 also joint with him. Based on the above allegations, the said case was registered. The accused were arrested. During the course of investigation, currency notes to the tune of Rs.1,22,00,000/- were all seized from the first accused. Further, gold biscuits, car numbering 3 and a two wheeler were also seized. From the 2nd accused, as many as 34 items of gold jewels were recovered weighing 754.86 grams. A Rolex Wrist Watch, Titan Wrist Watch and currency notes of Rs.2 lakhs were also seized from the 2nd accused. All the said properties have been now handed over to the Court. On completing the investigation, charge sheet has been laid. While so, the petitioners filed these Criminal Miscellaneous Petitions seeking return of the car and jewels. That were dismissed by the learned Judicial Magistrate. It is against the same, they have come up with these revisions.

4. The learned counsel for the petitioners would submit that there is no progress made in the trial of the case, because the accused are absconding. He would further submit that there is no rival claim for these properties and therefore, they are to be returned to the petitioners.

5. In the counter filed by the respondent, the details of the recovery of the car, jewels and other articles have been given. It is further stated that the accused will be secured soon to ensure that the trial begins against the accused.

6. I have considered the above submissions.

7. A perusal of the order of the learned Judicial Magistrate would go to show that there is no material to show that these properties and the car belong to these petitioners and only for this reason, the trial Court has dismissed these petitions. I am in full agreement with the same. According to the case of the complainants, what was received from them was only cash by means of cheating. What have been now recovered from the accused 1 and 2 are jewels, gold biscuits, motor vehicles as well as car. Absolutely, there is no material to link these seized properties with the Crime, as of now. The entitlement of the petitioners could be decided only at the final hearing of the case. Therefore, the lower Court was right in dismissing all the claim applications. At the same time, I deem it appropriate for this Court to issue a direction to the respondent police to execute the nonailable warrant issued against the accused so as to ensure speedy trial in the case.

<https://hcservices.ecourts.gov.in/hcservices/>

8. In the result, all the criminal revisions are dismissed. The respondent Inspector of Police, Thirunagar Police Station is directed to



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execute the non bailable warrant as early as possible to secure the accused so as to ensure speedy trial.

Sd/-

Assistant Registrar(Writs)

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Sub Assistant Registrar

To

1. The Judicial Magistrate, No.VI,
Madurai.
2. The Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Thirunagar Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.R.C.(MD)NOS.227 to 234 of 2015
02.07.2015

RR

PA/SA(ESTT./27.07.2015/3P/5C