

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.162 of 2016

Sagul Hameed

.. Petitioner

Vs.

State represented by
The Inspector of Police
CBCID (Counterfeit Currency Wing)
Chennai.
Cr.No.173 of 2015

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed by the learned Judicial Magistrate No.I, Tiruvallur made in CMP.No.6325 of 2015 dated 11.01.2016.

For Petitioner : Mr.P.Rajkumar Pandian
For Respondent : Mrs.M.F.Shabana, Govt Adv (Crl.side)

ORDER

This Criminal Revision is directed against the order passed by the learned Judicial Magistrate, Tiruvallur made in CMP.No.6325 of 2015 dated 11.01.2016, dismissing the application filed by the petitioner seeking interim custody of Rs.4,00,000/-.

2.The learned counsel for the petitioner submitted that sum of Rs.4,00,000/- was recovered from the petitioner alleging that he is carrying the money to exchange into counterfeit currency. The petitioner is not at all involved in any offence, the amount of Rs.4,00,000/- is kept for business transaction. Now, the petitioner was in urgent need of the requirement of the said amount, therefore, the petitioner has filed this petition for interim custody of the said amount. The trial Court without appreciating the facts and circumstances of the case, dismissed the petition, hence the petitioner prays to allow the revision and pleaded to direct the trial Court to return the sum of Rs.4,00,000/- to the petitioner towards interim custody of the property.

3.The learned Government Advocate (Crl. side) submits that in this case, the investigation is not yet over and the investigation is in progress, if the property is returned to the petitioner, at the later point of time, the same cannot be

confiscated by the respondent police from the hands of the accused and prays for dismissal of the revision petition.

4.Heard the rival submissions made on both sides and perused the records.

5.On reading of the FIR, it is clear that the present petitioner has lodged a complaint against one Kaja Sheriff under Section 420 IPC, during the course of investigation, the complaint was given by the petitioner is that one Kaja Sheriff stolen a sum of Rs.9,40,000/- from the petitioner and he lodged the complaint on 02.02.2015. The investigating officer found that the petitioner lodged false complaint against the said Kaja Sheriff had stolen sum of Rs.9,40,000/-. During the course of further investigation the respondent/police has seized a sum of Rs.4,00,000/- from the petitioner for allegedly carrying to exchange counterfeit currency notes.

6.In this case, the amount was recovered from the petitioner's house, proper seizure mahazar was prepared stating that the amount was kept to exchange counterfeit currency notes. The learned Government Advocate (Crl. side) also stated that the investigation is in progress, if the property is returned to the petitioner, the same cannot be confiscated from the petitioner at later point of time. This Court finds there is no illegality or infirmity in the order passed by the learned Judicial Magistrate No.I, Tiruvallur and the same does not warrant any interference by this Court.

7.In the result, the criminal revision petition stands dismissed, with liberty to the petitioner to file appropriate petition before the concerned Court after filing final report by the investigating authority.

Sd/-

Asst.Registrar (CCC)

/true copy/ जयते

Sub Asst. Registrar

To

1.The Judicial Magistrate No.I, Tiruvallur.

2.The Inspector of Police
CBCID (Counterfeit Currency Wing)
Chennai.

3.The Public Prosecutor, High Court, Madras.

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