

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

(Orders Reserved on : 14.07.2016)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.660 of 2016

M.Chowdry Petitioner/Accused

Vs.

State by

The Inspector of Police,
CBCID, Crime Branch Metro Wing,
Egmore, Chennai - 8.

(Crime Nos.712, 716, 717/2006) ... Respondent/Complainant

Prayer: Criminal Revision Case filed under Sections 397 (1) & 401 of the Code of Criminal Procedure, against the order passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.347 of 2016 in C.C.No.9616/2010 dismissing the petition filed by the petitioner for return of money by order dated 14.03.2016.

For Petitioner : Mr.V.Paarthiban

For Respondent : Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is directed against the order dated 14.03.2016 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.347 of 2016, dismissing the petition filed by the petitioner for return of money.

2. The learned counsel for the petitioner would mainly contend that the order of the learned XI Metropolitan Magistrate, Saidapet, Chennai, is contrary to law. It is further contended that the learned Magistrate, without application of mind, erroneously dismissed the petition filed by the petitioner for return of money. Further, the present revision petitioner was not cited as an accused or witness in the case and hence, the revision petitioner is entitled to

return of money. But, the trial Court, erroneously dismissed the petition. Hence, the learned counsel submitted that the order of the trial Court has to be set aside and the criminal revision case has to be allowed and the property/money has to be returned to the petitioner.

3. The learned Government Advocate (Crl.Side) would contend that in this case, the trial is pending and the witnesses have to be examined. It is further contended that the learned Magistrate, after considering the entire facts and circumstances of the case, correctly passed order dismissing the petition filed by the revision petitioner. Therefore, there is no illegality or infirmity in the order passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai, and hence, the order of the learned Magistrate has to be confirmed and the criminal revision case has to be dismissed.

4. In this case, the Inspector of Police, CBCID, Metro Wing, Egmore, Chennai, filed a complaint and the case was registered as C.C.No.9616 of 2010 and the case is pending for examination of witnesses. In this case, one Job Saravanan dubiously exposed himself as Bishop and cheated the public at large with the connivance of other accused persons and siphoned off huge sum to the tune of 18 Crores. The said Job Saravanan purchased immovable properties in and around Chennai city in his benamies name and the petitioner and his principal are few such benamies. The sale deeds mentioned by the petitioner are name sake and false transactions. Since the case is pending for trial, the property/money cannot be returned to the revision petitioner at this stage. The trial Court, after observing the entire facts and circumstances of the case, came to a correct conclusion and dismissed the petition filed by the petitioner for return of money.

5. Further, in this case, the revision petitioner namely M.Chowdry has filed a petition in Crl.O.P.No.31448 of 2012 before this Court praying to direct the respondents therein to deposit the cash amount of Rs.27 lakhs and three cheques of Dena Bank, Gumudipundi, valued at Rs.42 lakhs issued by Samarapuri Chettiyar of Kavarapettai before the learned 2nd Metropolitan Magistrate, Egmore, Chennai, in C.C.No.9616 of 2010. The said Crl.O.P.No.31448 of 2012 was disposed of by this Court by order dated 12.08.2015 and in the said order, at para Nos.10 and 11, this Court has held as follows:-

"10. It is submitted that, in this regard totally 9 cases have been registered and consolidated Final Report was filed before the Hon'ble II Metropolitan Magistrate Court, Egmore, Chennai against the accused A1 J.Job Saravanan, A2 S.Ramanathan @ Lazar @ Lasarus and 8 others. Subsequently, the case has been transferred to XI Metropolitan Magistrate Court, Saidapet, Chennai

i.e., jurisdictional court of the CB CID. The Hon'ble XI Metropolitan Magistrate Court, Saidapet, Chennai has assigned in C.C.No.9616/2010.

11. It is submitted that, the Hon'ble XI Metropolitan Magistrate Court, Saidapet, Chennai has framed the charge against the said accused and trial were commenced. So far 27 witnesses were examined. The case is posted to 21.07.2015 for examination of other remaining witnesses.

In view of the above, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law."

6. In view of this, since the previous petition filed by the petitioner was already disposed of by this Court, the present criminal revision case filed by the petitioner against the order of the trial Court is not maintainable. There is no infirmity or illegality in the order passed by the learned Magistrate. This Court finds no reason to interfere with the order passed by the learned Magistrate which does not warrant any interference by this Court and hence, the criminal revision case is liable to be dismissed.

7. In the result, this Criminal Revision Case is dismissed.

Sd/-
Asst.Registrar

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

Jrl

To

1. XI Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
CBCID, Crime Branch Metro Wing,
Egmore, Chennai - 8.

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3. The Public Prosecutor,
High Court, Madras.

+lcc to M/s V.Parthiban, Advocate Sr.57588

Pre-Delivery order in
Crl.R.C.No.660 of 2016

CNR(CO)
RVR 09/01/2017



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