IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.01.2017
CORAM
THE HONOURABLE MR. JUSTICE C.T.SELVAM
Crl.R.C.No.1558 of 2016

V.Balasubramanian … Petitioner/Petitioner

Vs.

1.State by
The Inspector of Police
East Police Station
District Crime Branch
Thiruvannamalai District

2.Branch Manager
ICICI Bank
Thiruvannamalai Branch
Thiruvannamalai

3.Siddharth ...1 & 2 Respondents/
1 &2/Respondents

4.Deepak shashi

5.Bhavan ...Respondents 3 to 5/
Respondents 3 to 5

(3 to 5 Respondents are Accused and
Working Accenture services Pvt Ltd,
4/1, IBC Knowledge Park, Bannerghatta Road,
Bangalore

Criminal Revision filed under Section 397 and 401 Cr.P.C. to set aside the judgment in C.M.P.No.3722 of 2016 dated 06.10.2016 on the file of learned Judicial Magistrate No.I, Thiruvannamalai.

For Petitioners :Mr.J.Venkatraman
For Respondents :Mr.M.MohammedRiyaz, G.A(Crl.side) for R1

Mr.K.Moorthy for R2

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O R D E R

This revision is preferred against the order of learned Judicial Magistrate No.I, Thiruvannamalai, passed in C.M.P.No.3722 of 2016 on 06.10.2016.

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2. Petitioner is the father of the defacto complainant. Falsely promising employment to the defacto complainant as project manager in Accenture Services Pvt Ltd, Bangalore the accused induced online transfer of a sum of Rs.1,80,000/- from the petitioner's account No. ***619601017273** with ICICI Bank, Thiruvannamalai branch to the A2/4th respondent account No.***699101500950**, Versova, Mumbai branch of such bank. Petitioner's son lodged a complaint with the Superintendent of Police, Villupuram District on 28.01.2013. The same was forwarded to District Crime Branch, Villupuram but no action was taken. Under order of this Court in Crl.O.P.No.21794 of 2015 dated 15.10.2015 case was registered as Crime No.39 of 2015 on the file of DCB, Villupuram. The case was transferred from DCB, Villupuram to DCB Thiruvannamlai and registered as Crime No.3 of 2016. Petitioner moved C.M.P.No.3722 of 2016 on the file of learned Judicial Magistrate No.I, Thiruvannamalai seeking return of money to the petitioner's account, which was dismissed on 06.10.2016. There against, present revision stands filed.

3. Heard the learned counsel for petitioner and the learned Government Advocate (Crl.side) for the first respondent and the learned counsel for second respondent bank.

4. In the course of investigation the first respondent traced the monies deposited by the petitioner with the second respondent to the account of A2/fourth respondent with the Mumbai, Versova branch, ICICI Bank. The counter of the first respondent informs the following position:

> It is submitted that the then Inspector of Police has sent a requisition letter to the Branch manager, ICICI Bank, Tiruvannamali to furnish the bank statements of the petitioner and accused's address proof, statements and other documents and the same was received by him.
>
> It is submitted that during the course of the investigation, on perusal of the bank statements of the petitioner and accused/4th respondent. The District Crime Branch Villupuram found that the petitioner's cash of Rs.1,80,000/- was transferred to the 4th respondent herein/accused-Deepak Shagu's bank accounts i.e ICICI Bank, Versova Branch at Mumbai, hence they frozen his bank account.

It is submitted that the then Inspector of Police has sent a requisition letter, dated 12.09.2016 to the Bank manager, ICICI Bank, Versova Branch, (branch code 6991), Mumbai to hand over

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the case property of Rs.1,80,000/- involved in Crime No.3 of 2016 DCB, Thiruvannamalai to the police department or Judicial Magistrate Court, Thiruvannamalai.

5. In the above scenario, this Court directs as follows:

i) The 2nd respondent is directed to pay a sum of Rs.1,80,000/- to the 1st respondent under due acknowledgment.

ii) The 1st respondent shall cause deposit of such sum to the credit of Crime No.3 of 2016 before the Judicial Magistrate, Thiruvannamalai

iii) On a petition seeking return of property, the learned Judicial Magistrate, Thiruvannamalai shall direct payment of the sum deposited before him to the petitioner subject to the petitioner executing a bond for a sum of Rs.1,80,000/- before the learned Judicial Magistrate, Thiruvannamalai and on affidavit undertaking before the Court below to return Rs.1,80,000/- [Rupees one lakh eighty thousand only] in cash as and when directed by the Court below.

iv) On request of the 2nd respondent, the Versova, Mumbai branch of the ICICI Bank shall debit a/c. No.***699101500950** held with it in a sum of Rs.1,80,000/- and make available the same to the 2nd respondent.

6. With the above direction, the Criminal Revision Petition is disposed of. No costs.

***Corrected as per letter dated 08/03/17**

and made herein

sd/-
Assistant Registrar(CO)

-s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate No.I,
Thiruvannamalai

2.The Inspector of Police
East Police Station
District Crime Branch
Thiruvannamalai District

3.The Branch Manager
ICICI Bank,Thiruvannamalai Branch
Thiruvannamalai

4.The Public Prosecutor
High Court, Madras

To be Substituted to the order already despatched on 23/2/2017

+1 cc to Mr.J.Venkatraman Advocate sr 3100
+1 cc to Mr.K.Moorthy Advocate sr 3137

Crl.R.C.No.1558 of 2016

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