

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1627 of 2016

Muniyandi
S/o.Manavalan

.. Petitioner/Petitioner/Accused

vs.

State represented by
The Sub-Inspector of Police,
Arcot Town Police Station,
Vellore District.

..Respondent/Respondent/Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned District Munsif cum Judicial
Magistrate, Arcot, Vellore District, passed in Crl.M.P.No.5488
of 2016 dated 28.11.2016.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohammed Riyaz,
Government Advocate [Crl.side]

O R D E R

This revision arises against the order of learned District
Munsif cum Judicial Magistrate, Arcot, Vellore District, passed
in Crl.M.P.No.5488 of 2016 dated 28.11.2016, dismissing a
petition seeking interim custody of Rs.7,68,000/-.

2. Respondent seized a sum of Rs.7,68,000/- from the
petitioner in connection with the case in Crime No.269 of 2016
registered for offences u/s.188 and 171 (E) of IPC. Petitioner
moved Crl.M.P.No.5488 of 2016 on the file of learned District
Munsif cum Judicial Magistrate, Arcot, u/s.451 Cr.P.C. Court
below, under the impugned order dismissed such petition. Hence,
this revision.

3. Heard learned counsel for petitioner and learned
Government Advocate [Crl.side].

4. Court below has dismissed the petition seeking return of
cash seized from the petitioner in case registered in Crime

No.269 of 2016 for offences u/s.188 and 171 (E) of IPC. A perusal of the order under challenge reveals that the Court below has inter alia taken into consideration the contention of respondent that if granted interim custody of money, petitioner would abscond. It is seen that the seizure has been effected on 13.05.2016 and petitioner, on such date, effected withdrawal of a sum of Rs.14,00,000/- from his Account No.0969111011633 with the Canara Bank, Tamil Nadu. This Court has perused the counter filed by respondent. When it was established that the petitioner was duly seized of funds, he having held the same in bank accounts, there is no reason to deny interim custody of money on the suspicion that he would abscond.

5. Accordingly, this Court directs the Court below viz., District Munsif cum Judicial Magistrate, Arcot, Vellore District, to effect the return of sum of Rs.7,68,000/- to the petitioner on his depositing before Court below property documents of value of Rs.10,00,000/- (Rupees ten lakhs only) standing in his name or immediate family members and on his executing a bond in a sum of Rs.10,00,000/- along with two sureties in sum of Rs.5,00,000/- each.

The Criminal Revision Case shall stand disposed of with the above direction.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm

To

1.The District Munsif cum Judicial Magistrate,
Arcot,
Vellore District.

2.The Sub-Inspector of Police,
Arcot Town Police Station,
Vellore District.

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.E.Kannadasan , Advocate, S.R.No.2154

CrI.R.C.No.1627 of 2016

SVI (CO)
RRK (08/03/2018)