

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.08.2017****CORAM****THE HON'BLE MR.JUSTICE V.BHARATHIDASAN****Cr1.R.C(MD) .No.665 of 2017**

Vimalan

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District,
Crime No.564 of 2016.

... Respondent

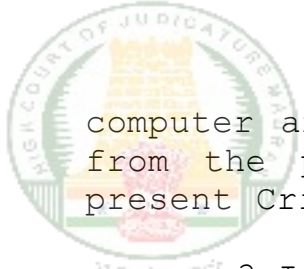
Prayer : Criminal Revision Case filed under Section 397 read with 401 Cr.P.C. to call for the records and set aside the order passed by the Additional District and Sessions Court, Special Court for EC & NDPS Act Cases, Pudukottai in Cr.M.P.No.792 of 2017 dated 12.04.2017 and allow the revision petition and direct the Additional District and Sessions Court, Special Court for EC & NDPS Act Cases, Pudukottai to permit the petitioner to withdraw the amount.

For Petitioner : Mr.S.M.Sanjay

For Respondent : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor**O R D E R**

This Criminal Revision Case has been filed, challenging the order passed by the Court below, refusing to return the money seized from the petitioner.

2.The petitioner is an accused in Crime No.564 of 2016 on the file of the respondent police for the offence under Sections 420 and 511 IPC and Section 8(c) read with 22(c) of NDPS Act. During investigation, some properties viz., computer, laptop, Canon scanner machine, card reader and ATM cards etc., have been seized from the petitioner. Apart from that a sum of Rs.26,00,000/- has also been seized from the petitioner's premises. According to the prosecution, the above amount was earned out of the above crime. Subsequently, the petitioner has filed an application seeking return of property. The Court below passed an order directing the respondent police to return the



computer and other articles and refused to return the cash seized from the petitioner. Now, against that part of the order, the present Criminal Revision Case has been filed.

3. I have heard Mr. S. M. Sanjay, learned counsel appearing for the petitioner and Mr. C. Mayilvahan Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

4. The Court below allowed the petition in respect of other items of properties seized from the petitioner and so far as the cash is concerned, the Court below refused to return the cash on the ground that at this stage, it cannot be decided whether the amount seized from the petitioner is his personal money or it was earned by committing crime and it could be decided only after conclusion of trial.

5. The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation has already been completed and the respondent has also filed final report on 10.01.2017 and so far, the Court below has not taken cognizance of the offence. He further submitted that the petitioner has involved in cheating, by using fake ATM cards and he has also sold a drug viz., diaze pam, which is a narcotic substance and the amount seized from the petitioner is only from the sale proceeds, out of the above crime.

6. I have carefully gone through the entire materials available on record. I am of the considered opinion that at this stage the Court cannot decide whether the cash seized from the petitioner is his personal money or earned out of the crime. Considering the above fact, the Court below has rightly declined to return the amount. I find no illegality or irregularity in the order passed by the Court below.

7. Considering the fact that final report has already been filed as early as on 10.01.2017, the Court below is directed to consider the final report expeditiously.

8. This Criminal Revision Case is dismissed accordingly.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar



2. The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.M.Sanjay, Advocate Sr.No.75152

MJ

VB/SV/MMS/SAR2/25/09/2017/3P/5C

Cr1.R.C(MD) No.665 of 2017
29.08.2017