

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 14.07.2017**

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**Cr1.R.C(MD)No.17 of 2016**

Jeyarani

... Petitioner/Petitioner

-Vs-

The State, represented by
The Sub-Inspector of Police,
Theppakulam Police Station,
Madurai.

... Respondent/Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying this Court to set aside the order passed by the learned District and Sessions Judge for NDPS Act Cases, Madurai in Cr.M.P.No.3271 of 2015, dated 5.12.2015.

For Petitioner : M/s.P.T.Ramesh Raja

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

Challenging the order dismissing the Petitioner's application to return the money seized in C.C.No.14/16, on the file of District and Sessions Judge for NDPS Act Cases, Madurai. The crime has been registered against the Petitioner is for an offence under Section 8(C) r/w 20(b)(ii)(B) of NDPS Act, the allegation against the Petitioner was that she was in possession of 1.200 Kgs of Ganja and during investigation, an amount of Rs.1,07,210/- was seized, which claims to be the sale proceeds from selling Ganja. After investigation, final report was also filed and the matter was taken on file by the learned Judge. The Petitioner filed an application under Section 451 of Cr.P.C seeking return of the money, stating that since the Petitioner's son met with an accident, and hence the Petitioner has pledged her jewels and obtained loan of Rs.1,25,000/- from one Lakshmi Pawn-Broker and the amount has been kept in the house and the said money has nothing to do with the crime. The Court below dismissed the petition on the ground that the Petitioner is a habitual offender and the amount seized from her house was only from the



sale proceeds. Hence the amount cannot be returned to the Petitioner. Now challenging the same, the present revision has been filed.

2.I have heard the submissions of Mr.P.T.Ramesh Raja, learned counsel for the Petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and considered the materials available on record.

3.Admittedly, the amount was seized from the Petitioner and the Petitioner claims that money seized from the Petitioner has nothing to do with the crime. Since the Petitioner's son met with an accident, she has pledged her jewels and obtained loan of Rs.1,25,000/- from one Lakshmi Pawn Broker and the said amount has been kept in the house and that money has been seized from the Petitioner. The prosecution claim that the amount seized from the Petitioner is from the sale proceeds from selling ganja. But the above issue has to be decided only after trial and keeping the money in the court deposit is not going to serve any purpose.

4.Considering the facts and circumstances of the case, , the trial Court is directed to return the money to the Petitioner after taking photographs of the notes and after preparing panchnama of the same. Since the money has been seized before demonetization of currency notes, the trial Court is directed to follow the judgement of the Division Bench of this Court in ***W.P (MD)No.21985 of 2016, dated 30.11.2016 in The Registrar(Judicial), Madurai Bench of Madras High Court, Madurai .vs. The Union of India, Secretary, Ministry of Finance, Department of Economic Affairs,Room No.39-B, New Delhi-110 001 and others*** and issue suitable directions enabling the Petitioner deposit the above said money in a nationalized Bank for exchange of new currency note. Further, the Petitioner is also directed to furnish necessary security for the above said amount.

5.With the above direction, the Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To



2. The Sub-Inspector of Police,
Theppakulam Police Station,
Madurai.

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

+1 cc to Mr.P.T.Ramesh Raja , Advocate in SR.No. 65545

vsn

AE/JC/SAR3/31.07.2017/3P/5C

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