

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 19.11.2018

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

Crl.Revision Case Nos.1305 of 2018

R.Sureshbabu

.. Petitioner

versus

The State, rep.by
The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.

... Respondent

Prayer: This Criminal Revision Case is filed under Section 397 & 401 of Cr.P.C., against the order passed in Crl.M.P.No.1584 of 2017 passed by the learned Judicial Magistrate, Thiruvottiyur, dated 03.10.2017.

For Petitioner : Mr.CH.Paranjothi

For Respondent : Mr.G.Harihara Arun-
Somasankar, GA

ORDER

This This Criminal Revision Case has been filed against the order passed in Crl.M.P.No.1584 of 2017 passed by the learned Judicial Magistrate, Thiruvottiyur, dated 03.10.2017, rejecting the claim of the petitioner for grant of interim custody of the amount of Rs.3,66,000/- which was seized by the respondent police in a case in Crime No.132 of 2017.

2. The petitioner herein is the defacto complainant in Crime No.132 of 2017, who lodged a complaint against one Kannan and others, alleging that they had committed breach of trust, cheating and robbery. Based on the complaint, a case in Crime No.132 of 2017 was registered by the respondent police against the said Kannan and others for the offences punishable under Sections 406, 420, 397 r/w 506(ii) IPC. It is the case of the defact complainant that the accused Kannan approached him to redeem the jewels which were pledged by the family members of the accused in Maliyakollai Thodakka Velanmai Co-operative Bank Ltd., Valliyanallur, Mayiladudurai taluk, Mayavaram. The petitioner arranged a sum of Rs.18,00,000/-. The accused Kannan

and others, after taking the petitioner and his family members, had grabbed the amount of Rs.18,00,000/-. It appears that after registering the case, the respondent police arrested two accused persons and recovered a sum of Rs.3,66,000/-. Therefore, the petitioner moved a petition before the Court below, seeking return of the seized amount as interim custody to him, as according to the petitioner, the amount was belonging him. Likewise, the accused Kannan also moved a petition for return of the seized amount to him as interim custody claiming that the seized amount belongs to him.

3. The learned Judicial Magistrate, after advertng to the submissions made both on behalf of the petitioner, namely, defacto complainant and the accused, has rejected the claim for the reasons that the accused Kannan had also filed a petition in C.M.P.No.1734 of 2017 for interim custody of the amount of Rs.3,66,000/-, claiming that the amount belongs to him. In view of rival claims as between the defacto complainant and the accused, the learned Judicial Magistrate has rejected claim of the petitioner herein since the rival claims as between the petitioner and the accused would be decided only at the conclusion of the trial.

4. This Court has gone through the order passed by the learned Judicial Magistrate and perused the relevant records.

5. This Court does not see any infirmity in the order passed by the learned Judicial Magistrate since there appears to be rival claims as to the money recovered by the police to the tune of Rs.3,66,000/-. Once there appears to be rival claim to the money involved, the Court below could not take a decision one way or the other for return of the money to one of the parties and therefore, rejected the claim of the petitioner stating that the matter could be concluded only in the trial. Therefore, this Court does not find anything wrong in the order passed by the learned Judicial Magistrate.

6. Accordingly, the Crl.Revision Case fails and the same is dismissed as devoid of merit.

sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

suk

To

The Judicial Magistrate,
Thiruvottiyur.

Copy to

The Section Officer,
Criminal Records Section,
High Court, Madras.

Crl.R.C.No.1305 of 2018

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srg 19/12/2018



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