

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28747 of 2018

M.Choudary

: Petitioner

Vs.

State Rep. by

1.The Inspector General of Police,
Crime Branch CID, Egmore,
Chennai 600 008.

2.The Superintendent of Police,
Crime Branch CID, Egmore,
Chennai 600 008.

3.The Inspector of Police,
Crime Branch CID, Egmore,
Chennai 600 008.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondents to return the petitioner's cash amount of Rs.27,00,000/- (Rs.Twenty Seven Lakhs only) and 3 cheques to a sum of Rs.42,00,000/- (Rs.Forty Two Lakhs only) totalling to a sum of Rs.69,00,000/- (Rs.Sixty Nine Lakhs only) seized by the respondent police on 08.06.2007 and deposited in the Corporation Bank, Corporate Bank Branch, Whites Road, Chennai 600 002, by the learned Additional Metropolitan Magistrate, Egmore, into the credit of CCB X Crime No.712 of 2007.

For Petitioner : Mr.G.Saravankumar

For Respondents:Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed seeking for return of the cash amount, which has been seized by the respondent police.

2.Earlier, when this petitioner filed a similar petition before this Court, the same was dismissed by an order dated 12.08.2015. Thereafter, the petitioner also filed a similar petition before the XI Metropolitan Magistrate Court,

Saidapet, Chennai, seeking for a similar prayer. That petition also got dismissed. The said order came to confirmed by this Court in CrI.RC No.660 of 2016.

3.The learned Additional Public Prosecutor on instructions would submit that trial is going on in this case and the cash amount that has been seized is a material object and the same cannot be returned to the petitioner.

4.The learned counsel for the petitioner would submit that the very attachment of the money is itself illegal. In that case, the petitioner will have to individually challenge the attachment proceedings through which the money was attached and a prayer of this nature cannot straight away be maintained before this Court.

This Criminal Original Petition is disposed of by giving liberty to the petitioner to challenge the attachment proceedings, if so advised.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ia/vsg1

To

1.The Inspector General of Police,
Crime Branch CID, Egmore,
Chennai 600 008.

2.The Superintendent of Police,
Crime Branch CID, Egmore,
Chennai 600 008.

3.The Inspector of Police,
Crime Branch CID, Egmore,
Chennai 600 008.

4.The Public Prosecutor,
High Court of Madras,
Madras.

+1 CC to Mr.G.Saravankumar, Advocate sr 84857

CrI.O.P.No.28747 of 2018

NM(CO)
SP(02/01/2019)