



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.R.C. (MD) No.124 of 2018

Mrs.A.Kalaiselvi

: Petitioner/ Petitioner/
3rd Party

Vs.

The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
Virudhunagar,
Virudhunagar District.

(In Cr.No.7 of 2017
U/s.13(2) r/w 13(1)(d) Vigilance and
Anti Corruption Act).

: Respondent/ Respondent/
Complainant

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code praying to pass an order setting aside the impugned order dated 17.01.2018 passed by the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur in Cr.M.P.No.2473 of 2017.

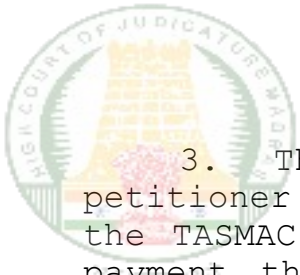
For Petitioner : Mr.S.Anand Chandrasekar,
For M/s.Sarvabhauman Associates

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

The Department of Vigilance and Anti-Corruption and the District Inspection Cell Office conducted a surprise inspection of the Office of the District Manager, TASMAG Godown on 16.10.2017 at Virudhunagar and recovered cash from various persons. Admittedly, a sum of Rs.2,28,030/- has been recovered from Jegatheeswaran (A-5), a staff of the petitioner. While so, the petitioner filed Cr.M.P.No.2473 of 2017 in Crime No.7 of 2017 under Section 451 of the Code of Criminal Procedure for return of the cash, which has been dismissed by the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur on 17.01.2018, aggrieved by which, this revision has been filed.

2. Heard Mr.S.Anand Chandrasekar, learned counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor for the respondent.



3. The learned counsel for the petitioner submitted that the petitioner is a transport operator and had taken the contract with the TASMAC and the money that was seized from her staff was legal payment that was required to be made to the TASMAC authorities. However, it is seen that the investigation is in progress and charge sheet has not been filed.

4. The learned Additional Public Prosecutor submitted that since the investigation is pending, cash which is a material object cannot be handed over to the petitioner as that would result in the prosecution losing material evidence.

5. There appears to be much force in the submission of the learned Additional Public Prosecutor appearing for the respondent. In such view of the matter, the order passed by the Trial Court does not warrant interference by this Court and accordingly, this Criminal Revision Case is dismissed. However, liberty is given to the petitioner to file a fresh application under Section 451 of the Code of Criminal Procedure, after the investigation in Crime No.7 of 2017 is completed and charge sheet is filed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
Virudhunagar,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S.SARABHAUMAN ASSOCIATES, ADVOCATE, SR NO.53122

Order made in
Crl.R.C.(MD)No.124 of 2018
06.03.2018

SML

MS/GT/SAR-2/16.03.2018/2P.5C