



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 19.04.2018

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C. (MD) No.234 of 2018

A.Abdul Ajees

.. Petitioner

Vs.

State Rep. By
Inspector of Police,
Sessions Court Police Station,
Cantonment, Trichy.
(Crime No.599 of 2017)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and set aside the order of the learned Judicial Magistrate No.II, Tiruchirappalli dated 27.12.2017 in Cr.M.P.No.5635 of 2017 and return the amount to the petitioner.

For Petitioner : Mr.T.Senthil Kumar

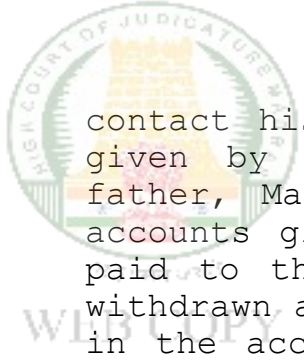
For Respondent : Mr.M.Chandrasekar
Additional Public Prosecutor

ORDER

Heard Mr.T.Senthil Kumar, learned counsel appearing for the petitioner and Mr.M.Chandrasekar, learned Additional Public Prosecutor appearing for the respondent.

2.This appeal has been filed to set aside the order passed by the learned Judicial Magistrate No.II, Tiruchirappalli dated 27.12.2017 in Cr.M.P.No.5635 of 2017 and return the amount to the petitioner.

3.The facts of the case is that the petitioner is running a software business in the name and style of 'Alpro Tech Pvt. Ltd.' at Trichy. On 17.08.2017, the accused persons in Crime No.599 of 2017 on the file of the respondent police, kidnapped the petitioner and one Manikandan and forcibly took them to Kodaikanal. During the travelling, the petitioner was brutally attacked and was directed to



contact his relatives to deposit the amount in the account number given by them. On request of the petitioner, the petitioner's father, Manager and his friends deposited various amounts in the accounts given by the accused. Totally a sum of Rs.9,60,000/- was paid to the account of the accused and from the account, he has withdrawn a sum of Rs.2,00,000/- and the balance amount are remained in the account. The respondent police froze the respective Bank accounts that belonged to the accused persons. The petitioner filed an application for the return of the amount which are lying in the accused bank account, in Cr.M.P.No.5635 of 2017 and the same was dismissed on 27.12.2017.

4. On the side of the petitioner, it is stated that it is an admitted case of prosecution that the amount belongs to the petitioner herein. The amount were deposited by the petitioner family members, friends and Manager at the request made by him in order to save his life. The accused did not claim the amount herein. The amount is kept idle. The petitioner is ready and willing to deposit the amount as and when required by the Court. The respondent police admitted before the lower Court that the amount belonged to the petitioner herein and a total sum of Rs.7,60,000/- (Rupees Seven Lakhs and Sixty Thousand only) is now lying in the account of the accused.

5. On the side of the respondent, it is stated that the police froze the respective Bank accounts that belonged to the accused persons. The amount was not produced before the lower Court and as such the learned Judicial Magistrate could not pass the order for return of the property.

6. Records perused. The trial Court is hereby directed to send for the amount deposited in the account, which was frozen by the respondent and to bring the amount before the Court account. After the charge sheet is filed, the lower Court is hereby directed to conduct enquiry by giving appropriate notice to both sides and can decide the ownership of the amount as per records. Until then, this amount is to be kept deposited in the nationalized Bank for a period of three years to be renewed periodically. The learned Judicial Magistrate is hereby directed to send the amount to the account within a period of two months from the date of receipt of copy of this order. The Registry is directed to send a copy of this order to the concerned Judicial Magistrate forthwith.

7. With the above direction, this criminal revision case is disposed of.

Sd/-
Assistant Registrar (RTI)

/True Copy/



To

1. The Judicial Magistrate No.II,
Tiruchirappalli.

2. -do- through The Chief Judicial Magistrate,
Tiruchirappalli.

3. The Inspector of Police,
Sessions Court Police Station,
Cantonment, Trichy.

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

+ 1 CC TO Mr.T.SENTHILKUMAR, ADVOCATE IN SR No. 62229

MRN

TE/JC/SAR-3 : 12/06/2018 : 3P/6C

Crl. R.C. (MD) No.234 of 2018
19.04.2018