



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH****Cr1.R.C. (MD)No.159 of 2017**

E.Mike Sherwin

: Petitioner

Vs.

1. State through the Inspector of Police,
District Crime Branch,
Thoothukudi.

2. The Manager,
Bank of Baroda,
Tuticorin.

3. The Manager,
Bank of Baroda,
2/22, BCP Complex,
Haider Nagar,
Kukatpally,
Hyderabad.

[R-3 impleaded as per the order of this
Court dated 19.04.2017 in Cr1.M.P. (MD)No.2625/2017]

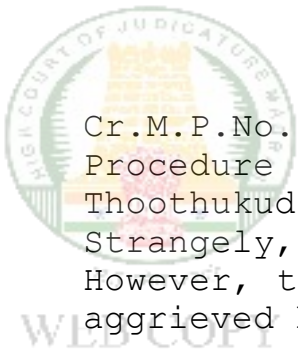
: Respondents

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code praying to set aside the order passed in Cr.M.P.No.5782 of 2016, dated 20.12.2016 on the file of the learned Judicial Magistrate No.I, Tuticorin.

For Petitioner : Mr.Ka.Raamakrishnan
For Respondent No.1 : Mrs.S.Bharathi,
Government Advocate (Cr1.side)
For Respondent No.2 : Mr.Pala Ramasamy

ORDER*********

The petitioner is the *defacto* complainant in Crime No.10 of 2016 and it is the case of the petitioner that he had deposited Rs.1,00,000/- to purchase a car in the account of the accused in Bank of Baroda, Kukatpally Branch, Hyderabad. The said bank account of the accused has been frozen by the Hyderabad Police. While so, the petitioner filed a petition in



Cr.M.P.No.5782 of 2016 under Section 451 of the Code of Criminal Procedure before the learned Judicial Magistrate No.I, Thoothukudi, for interim custody of the cash of Rs.1,00,000/-. Strangely, the respondent police have stated no objection. However, the Trial Court has dismissed the petition on 20.12.2016, aggrieved by which, the *defacto* complainant is before this Court.

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal side) for the first respondent and the learned counsel for the second respondent.

3. It is seen that the cash of Rs.1,00,000/- was not seized by the respondent police in Crime No.10 of 2016 and the same has not been deposited before the learned Judicial Magistrate No.1, Thoothukudi. Therefore, the learned Judicial Magistrate No.1, Thoothukudi was right in dismissing the application under Section 451 of the Code of Criminal Procedure. That apart, the account of the accused has been frozen by the Hyderabad Police and not by the respondent police. In such view of the matter, it is for the petitioner to approach the appropriate Court in Andhra Pradesh for reliefs.

4. With the above direction, this Criminal Revision Case is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Tuticorin.
2. The Inspector of Police,
District Crime Branch, Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.Pala Ramasamy , Advocate in SR No. 52826
+ 1 cc TO Mr.KA.Raamakrishnan , Advocate in SR No. 52621

SML
AE/GT/SAR3/14.03.2018/2P/6C

Order made in
Cr1.R.C. (MD)No.159 of 2017
Dated:-
02.03.2018