

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.275 of 2019

Veeraraghavan

...Petitioner/Accused - 2

-Vs-

The state rep. by
The Inspector of Police,
CCB, Chennai.
Cr.No.265/2018

...Respondent/Complainant

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records against the order passed by the learned Metropolitan Magistrate of the CCB & CBCID Cases, Egmore, Chennai in Crl.M.P.No.6021 of 2018 dated 28.01.2019 and set aside the order.

For Petitioner : Mr.N.Iyyakannu

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl.Side)

O R D E R

This criminal revision has been filed against the order of dismissal dated 28.01.2019 made in Crl.M.P.No.6021 of 2018 in CCB. Crime No.265 of 2018 by the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai. The said Crl.M.P was filed seeking return of the property on interim custody.

2 The revision petitioner's foreign currency and his passport were seized by the respondent police in Crime No.265 of 2018 under Sections 12 (1-A) (b), 12 (2) of Passport Act 1967 r/w. 420, 468, 471 of IPC. During the investigation, the petitioner filed a miscellaneous petition in Crl.M.P.No.6021 of 2018 under Sections 451 of Cr.P.C., on the file of the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai seeking return of the property on interim custody. The learned Magistrate, dismissed the petition by an order dated 28.01.2019 on the ground that the respondent police has strongly objected to the temporary custody of the property as they have found that foreign currencies are proceeds of criminal act done by this

petitioner along with the first accused, against which, the petitioner has preferred the present criminal revision case.

3 The learned counsel for the petitioner would submit that only the prime accused was not arrested. He further submitted that the foreign currencies seized by the respondent police absolutely belonged to the petitioner herein. As the petitioner's passport was seized, he could not travel abroad for business purposes. The said fact has not been considered by the learned Magistrate and he had erroneously dismissed the petition, which warrants interference.

4 The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation has not been completed. The prime accused has absconded and he has not yet been arrested. Therefore, he is not entitled for getting return of property on interim custody. Hence the learned Magistrate has rightly dismissed the petition seeking return of property on interim custody, which does not call for any interference.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 The learned Magistrate has given a valid reason for dismissing the petition filed under Section 451 Cr.P.C., seeking return of property on interim custody i.e, foreign currency and passport, which could not be returned pending investigation and charge sheet is yet to be filed. Under these circumstances, the petitioner is not entitled to invoke Section 451 Cr.P.C., for return of property on interim custody. Hence, this Court does not find any infirmity in the impugned order calling for interference and the criminal revision case has no merit and substance and the same is dismissed.

Sd/-

Assistant Registrar (CS-III)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1. The CCB & CBCID Metropolitan Magistrate, Egmore, Chennai

2. The Inspector of Police, CCB, Chennai.

3. The Public Prosecutor, High Court, Madras

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LN (CO)

GMV (02/04/2019)