

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2019

CORAM

THE HON'BLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.571 of 2019

R.Kannan

... Petitioner

Vs.

State by

The Inspector of Police,
Hasthampatty Police Station,
Hasthampatty Salem City
Cr.No.66 of 2016

... Respondent

Prayer:-

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. to call for the records in so far relates to Crl.M.P.No.2699 of 2019, dated 03.06.2019 on the file of the Judicial Magistrate No.III, Salem, Salem District and set aside the same and consequently directing the respondent to return the currency notes to the tune of Rs.34,40,035/- seized by the respondent police to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mrs.P.Kritika Kamal,
Govt.Advocate (Crl. Side)

O R D E R

This Criminal Revision has been preferred to set aside the order dated 03.06.2019 passed by the Judicial Magistrate No.III, Salem in Crl.M.P.No.2699 of 2019 and consequently direct the respondent to return the currency notes to the tune of Rs.34,40,035/- seized by the respondent police to the petitioner.

2.It is the case of the prosecution that the petitioner was running two digits and three digits lotteries, on coming to know of which, a case in crime No.66 of 2019 was registered by the respondent police on 17.03.2019 for the offences under Section 420 IPC read with Section 7(1) and (3) of Lotteries Regulation Act, 1998 and the petitioner was arrested. Around Rs.34 lakhs was seized from the house of the petitioner, during the course

of investigation. The petitioner filed CrI.M.P.No.2699 of 2019 under Section 451 Cr.P.C. before the Judicial Magistrate No.III, Salem, which has been dismissed on 03.06.2019, aggrieved by which, the petitioner is before this Court.

3.Heard Mr.C.Prakasam, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (CrI. Side) appearing for the State.

4.Learned Government Advocate (CrI. Side) submitted that there are about 25 cases of similar nature registered against the petitioner and that, the investigation is at a crucial stage. She further contended that if the amount is returned to the petitioner at this juncture, it will cause serious prejudice to the case of the prosecution.

5.Admittedly, the amount has been deposited by the trial Court in the bank. Under such circumstances, this Court does not find any infirmity in the order passed by the trial Court warranting interference. It is always open to the petitioner to file a fresh application under Section 451 Cr.P.C., after the investigation is completed and charge sheet filed.

In the result, this criminal revision stands dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.III, Salem.
2. The Inspector of Police,
Hasthampatty Police Station,
Hasthampatty Salem City
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.60829

CrI.R.C.No.571 of 2019

CP(CO)
CS/03/09/2019