



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.15292 of 2019

The Deputy Director of Income Tax
Investigation,
Income Tax Department,
Madurai.

... Petitioner/Petitioner
Vs

1.The State through the
Inspector of Police,
North Police Station,
Karaikudi, Sivagangai District.

2.M.Subramanian ... Respondents/Respondents

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to direct the 1st respondent police to handover the seized Rs.2 crores Indian currencies and Rs.73 lakhs (approximately) foreign currency to the petitioner department for further investigation and necessary action under Income Tax Act, 1961.

For Petitioner : Mrs.S.Srimathy standing counsel for
Income Tax

For Respondents : Mr.K.Suyambulinga Bharathi,
G.A.(Crl. Side) for R1

O R D E R

This Criminal Original Petition has been filed for direction directing the 1st respondent to handover the seized currency to the tune of Rs.2 Crores Indian currencies and Rs.73 lakhs foreign currency to the petitioner department.

2.Now, the learned Government Advocate (criminal side) submitted that the currency notes have been produced before the learned Judicial Magistrate under Form 95 and P.R.number has been assigned by the learned Judicial Magistrate as P.R.No.133 of 2019.

3.In view of the said submission, the petitioner is at liberty to approach the learned District Munsif cum Judicial Magistrate, Karaikudi for the relief of return of property under the proper provision of law, since the relief of return of property cannot be ordered by this Court.



4. With the above observation, this petition is disposed.

2. The learned Government Advocate (Crl. Side) would submit that on the complaint given by the defacto complainant, petition enquiry was conducted and the same was closed.

3. Recording the said submission, this petition is closed. However, it is made clear that since the complaint has been closed, the respondent shall not call the petitioners in the guise of enquiry and harass them.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

Arul

To

1. The Superintendent of Police,
Madurai District, Madurai.

2. The Inspector of Police,
Thirumangalam All women Police Station,
Thirumangalam, Madurai District.

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

+1 CC to M/s.S.SRIMATHY, Advocate (SR-98905[F] dated 18/11/2019)

Order made in
CRL.O.P (MD) No.2009 of 2019
15.11.2019

_KK/SAR/11.12.2019/2P-5C/