



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 15.11.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NO. 846 OF 2019

WEB COPY

Velmurugan

... Petitioner/Petitioner/Accused

- Vs -

State, rep. by
The Inspector of Police
Karivalamvanthanallur Police Station
Tirunelveli District.

... Revision Respondent/Respondent/Complainant

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, against the order dated 30.09.2019, passed by the learned Judicial Magistrate, Sankarankovil, Tirunelveli District, in P.R. No.4758/2019.

For Petitioner : Mr. J.Senthilkumar
For Respondents : Mr. V.Neelakandan, APP

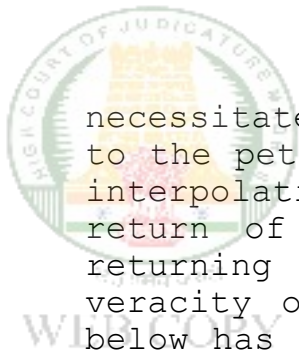
ORDER

The present revision has been filed against the dismissal of the petition filed by the petitioner u/s 451 Cr.P.C.

2. It is the case of the petitioner that money, which was drawn by the petitioner from the bank for business expenses, was confiscated from him during election period by the flying squad attached to the Election Commission. Against the said confiscation, case in P.R. No.259/2019 was filed by the respondent. It is the further case of the petitioner that though the petitioner produced materials to show that money was withdrawn from the bank, however, on the objection of the respondent that truth of its utilisation will come to light only after completion of investigation, the petition for return of the money was dismissed by the trial court. Aggrieved by the said order, the present petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Add. Public Prosecutor appearing for the respondent and perused the impugned order passed by the court below.

3. From a careful analysis of the order passed by the court below, it is evident that the court below has held that the documents produced by the petitioner before the officials concerned for return of the money had admittedly contained corrections, which



necessitated the officials retaining the money rather than returning to the petitioner. It was further held by the court below that the interpolation in the representation given by the petitioner for return of the money was the sole cause for the respondent not returning the money, as it entertained a doubt regarding the veracity of the statement of the petitioner. Further, the court below has held that the petitioner has not disputed his association with a particular political party and in that backdrop, the confiscation done by the Election Commission was held to be in order. On a conspectus reading of the order passed by the court below, this Court is of the considered view that the trial court has appreciated the facts in its entirety and has rendered a just and reasonable finding, which warrants no interference at the hands of this Court.

4. This revision petition, being devoid of merits, is accordingly dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The Judicial Magistrate
Sankarankoil, Tirunelveli District.

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

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MK (04.12.2019) 2P 3C