



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

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THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD) No.736 of 2020

D.Devadasan

... Petitioner

Vs.

1. The Inspector of Police
Kalakad Police Station
Tirunelveli District

2. The Deputy Superintendent of Police
CBCID, Driver's Colony
Perumalpuram
Tirunelveli

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate - I, Tirunelveli to consider the petitioners application filed in Crl.M.P.No.2513/2019 and dispose the same within stipulated period fixed by this Hon'ble Court in accordance with law.

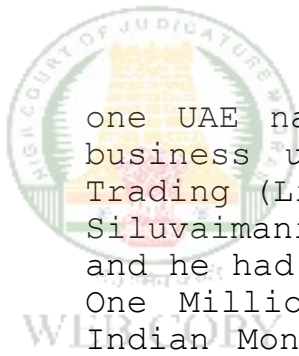
For Petitioner : Mr.V.Rajiv Rufus

For Respondent : Mr.S.Chandrasekar
Nos.1& 2 Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the learned Judicial Magistrate No.1, Tirunelveli to consider the petitioner's application filed in Crl.M.P.No.2513/2019 and dispose the same within stipulated period fixed by this Hon'ble Court in accordance with law.

2. The learned counsel for the petitioner would submit that the petitioner's son and one of his relative by name Kishor are running a company in the name and style of Royal Forex in Hong Kong dealing with foreign exchange. The said company had partnered with



one UAE national and has been doing legitimate foreign exchange business under the name and style Winner International General Trading (Limited Liability Company) at Dubai, UAE. One Jones Samuel Siluvaimani was employed in the sister concern of the said company and he had stolen the huge amount to the tune of AED1,000,000/- (AED One Million Dirhams only- equaling to around Rupees 2 Crores in Indian Money) from the Dubai company and escaped to India. In respect of which a complaint was given in Dubai. Since being a relative the said Jones Samuel Siluvaimani was employed on the recommendation of the petitioner. When the petitioner had questioned him, the petitioner and his relatives were threatened, in respect of which a case was given to the Kalakadu Police station and it came to be registered in Crime No. 462 of 2017. Thereafter since the investigation was not done properly the case was transferred to CBCID. During the course of investigation the said Jones Samuel Siluvaimani confessed about having committed the Crime. Based on the confession part of the booty to the tune of Rs.78,64,000/- was recovered from the accused and it has been deposited before the Court. Due to the crime committed by the accused the petitioner's son's company is facing financial difficulty and thereby the petitioner representing the company had filed the petition seeking for return of the money under Section 451 of Cr.P.C. The petition was numbered as Crl.M.P.No. 2513 of 2019 and taken on file on 02.11.2019 and notice was ordered to the parties. Thereafter the arguments were heard by the learned Judicial Magistrate No.I, Tirunelveli on 02.04.2019 and the case was posted for orders on 16.04.2019. Once again the case was adjourned to 22.04.2019 and thereafter it was adjourned to 06.05.2019 for orders. Subsequently there is no progress in the case and the learned magistrate has also not passed any orders. The learned counsel for the petitioner would submit that the money is unnecessarily kept in the custody of the court and the petitioner is also prepared to abide by any stringent conditions and furnish sufficient sureties and thereby would seek a direction may be issued to the learned Judicial Magistrate No.I, Tirunelveli to dispose of the Crl.M.P.No.2513 of 2019 within a stipulated period fixed by this Honourable Court.

3. The learned Additional Public Prosecutor would submit that the respondent police have filed counter and arguments were heard on 23.02.2019 and posted for orders on 16.04.2019. Thereafter the case was adjourned to 22.04.2019 for orders and once again it was adjourned to 06.05.2019 and no orders have been passed till date.

4. In view of the same, there shall be a direction to the learned Judicial Magistrate No.I, Tirunelveli to dispose of the Crl.M.P.No.2513 of 2019 within a period of two weeks from the date of receipt of a copy of this order.



5. With the above observations and direction, the Criminal Original Petition stands disposed of.

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/ True Copy /

Sd/-

Assistant Registrar (Records)

/ /2020

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate No.I, Tirunelveli

2. The Deputy Superintendent of Police
CBCID, Driver's Colony
Perumalpuram
Tirunelveli

3. The Inspector of Police
Kalakad Police Station
Tirunelveli District

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-2217[F] dated 21/01/2020)

Crl.O.P. (MD) No.736 of 2020
21.01.2020

aav

ES/SAR 3/30.01.2020/3P/6C