



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.R.C. (MD).No.48 of 2020

Sankarapandi

.. Petitioner/A5

Vs.

The State through
The Inspector of Police,
Vigilance and Anti Corruption,
Ramanathapuram District.
(In Crime No.6 of 2019)

.. Respondent

PRAYER: This Criminal Revision has been filed under Sectionw397 r/w 401 of Cr.P.C, to call for the records and set aside the order dated 12.12.2019 made in Cr.M.P.No.1567 of 2019, on the file of the learned Chief Judicial Magistrate, Ramanathapuram District.

For Petitioner : Mr.C.Muthusaravanan
For Respondent : Mr.M.Chandrasekar,
Additional Government Pleader.
(V and AC)

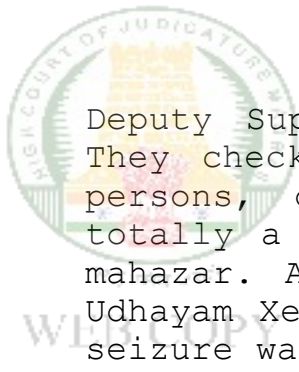
O R D E R

This Criminal Revision Petition has been filed to set aside the order, dated 12.12.2019 made in Cr.M.P.No.1567 of 2019, on the file of the learned Chief Judicial Magistrate, Ramanathapuram District.

2.The petitioner is arrayed as accused No.5 in Crime No.6 of 2019 for the offence punishable under Section 102 Cr.P.C and Section 7 of Prevention of Corruption Act. Pursuant to the registration of the case, the respondent police searched the petitioner's shop, namely, Udhayam Xerox and seized a sum of Rs.75,000/- on 22.10.2019. Hence, a case has been registered. Aggrieved over the same, the petitioner filed a petition under Section 451 of Cr.P.C, before the learned Chief Judicial Magistrate, Ramanathapuram District, seeking to return the money, which was seized from him.

3.The learned Chief Judicial Magistrate, Ramanathapuram District, by order, dated 12.12.2019 in Cr.M.P.No.1567 of 2019, dismissed the petition, against which, the present revision petition has been filed.

4.The case of the prosecution is that a surprise check was conducted in the Keelakarai Municipality, Ramanathapuram District on 22.10.2019, at about 05.00.p.m., by the District Deputy Inspection Cell Officer, Ramanathapuram District, along with



Deputy Superintendent of Police, Vigilance and Anti Corruption. They checked the municipality officers as well as the private persons, during the surprise check various amounts collected, totally a sum of Rs.1,33,280/- and 21 documents were seized by a mahazar. As far as this petitioner is concerned, he was running Udhayam Xerox, from his shop a sum of Rs.75,000/- was seized. The seizure was a specific information.

5.The learned counsel for the petitioner submitted that though the surprise check was conducted on 22.10.2019, F.I.R., came to be registered only on 21.11.2019 and out of the amount of Rs.75,000/-, the petitioner had obtained a sum of Rs.50,000/- from his mother, which was withdrawn by her from the State Bank of India. Further, the petitioner obtained a loan of Rs.25,000/- from a self help group. Hence, the amount of Rs.75,000/- had been properly accounted and explained. The petitioner needs the said money for making payment to the L.I.C and for other commitments. The lower Court, without considering the same, had dismissed his petition.

6.The learned Additional Public Prosecutor submitted that the investigation is in initial stage, the witnesses examined, had stated about the complicity of the petitioner and a detailed enquiry has to be conducted. The learned Additional Public Prosecutor further submitted that the investigation has revealed the complicity of the petitioner with the other accused. Several witnesses were examined, more documents were collected and investigation is in progress. If the money is returned to the petitioner, it will affect the case of the prosecution.

7. The learned Additional Public Prosecutor submitted that this plea of the petitioner is to create defence of the case, which cannot be entertained at this stage, only after the investigation is completed, the plea of the petitioner to be considered.

8.The counsel for the petitioner came forward and submitted that he will not dispute the recovery of Rs.75,000/- from his shop and corresponding form 95 in Crime No.6 of 2019. He further submitted that if the amount is kept idle great loss and prejudice would be caused to the petitioner, it would suffice that the petitioner's amount to be deposited by way of fixed deposit in a Nationalized Bank so that it may earn some interest and later, he can withdraw the same, after the out-come of the investigation.

9.Considering the same, the trial Court is directed to deposit the amount of Rs.75,000/- seized from the petitioner in any nationalized bank to the credit of the case in Crime No.6 of 2019, as fixed deposit. If the petitioner is not arrayed as an accused in the charge sheet, the amount has to be returned after filing of charge sheet.



10. In view of the above, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Chief Judicial Magistrate,
Ramanathapuram District.
2. The Inspector of Police,
Vigilance and Anti Corruption,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer, -2 copies
Criminal Secion,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C.MUTHU SARAIVANAN, Advocate (SR-5526[F] dated
11/02/2020)

CRL.R.C. (MD) .No.48 of 2020
10.02.2020

KM/ (20.02.2020) 3P 7C