



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 14.10.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.559 of 2020

WEB COPY

S.Rajapart

.. Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Ammayanaikanoor Police Station,
Nillakottai Taluk,
Dindigul District.
(Crime No.5/2020)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of pertaining to the order of the Judicial Magistrate, Nillakottai, Dindigul District in Crl.M.P.No.753 of 2020 in R.P.R.No.8 of 2020 in Crime Number 05 of 2020, dated 25.06.2020 and set aside the same.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.A.Saravana Kumar
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Judicial Magistrate, Nilakottai, Dindigul District in Crl.M.P. No.753 of 2020 in R.P.R.No.8 of 2020 in Crime Number 05 of 2020, dated 25.06.2020

2.The petitioner claiming himself as the owner of the property/ currency notes filed a petition for return of the same before the Judicial Magistrate, Nilakottai, in Crl.M.P.No.753 of 2020. That petition was dismissed by the Magistrate on 25.06.2020. Against the dismissal order, the petitioner preferred this Criminal Revision.

3.On the side of the petitioner, it is stated that a sum of Rs.1,08,510/- was seized by the police in Crime No.5 of 2020, under Sections 8, 9 of Tamil Nadu Gambling Act r/w. Sections 353 and 506(i) IPC. The revision petitioner is the owner of the premises. The petitioner leased a portion of the property for running a Club and he is using another portion of the property for

<https://hcservices.courts.gov.in/cases/>



current activity and if the currency note is kept idle, the currency note will be ruined. It is stated that the petitioner is ready to furnish indemnify bond or surety bond and that there is no counter claim and prayed the amount to be returned back to the petitioner.

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4. On the side of the respondent, it is stated that in fact a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) was seized by the respondent police in the Club. Only Rs.86,010/- (Rupees Eighty Six Thousand and Ten only) was seized from the car and the car belonging to one of the accused involved in the Gambling case. The car does not belong to the revision petitioner and the ownership of the property is in question, even as per the statement of the revision petitioner, a sum of Rs.22,500/- does not belong to the revision petitioner and the amount is necessary for proving the case and prayed the petition to be dismissed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that only a portion of the amount was seized from the car standing outside the premises and a sum of Rs.22,500/- was seized in the Club. As per the statement of the petitioner, the revision petitioner is not connected with the Club activities, hence, the revision petitioner cannot claim Rs.22,500/-. It is stated that the car belonging to one of the accused involved in the Gambling case.

7. In the above circumstances, the trial Court is directed to take xerox photocopy of all the currency notes and then to deposit the same in a Nationalized Bank till the disposal of the case, so that, the cash amount will be available either for confiscation or for returning to the owner, after the disposal of the case.

8. With the above direction, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,
Nillakottai,
Dindigul District.
- 2.Do Through:
The Chief Judicial Magistrate,
Dindigul District.
3. The Inspector of Police,
Ammayanaikanoor Police Station,
Nillakottai Taluk,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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