

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.188 of 2021

1.Sri Vidhaya
2.W.S.Mohan

... Petitioners

..VS..

State by;

The Inspector of Police,
Sathayamangalam Police Station,
Erode District,
Crime No.15 of 2021.

... Respondent

Criminal Revision Case filed under Section 397 Cr.P.C, to set aside the order dated 22.02.2021 made in C.M.P.No.438 of 2021 in Crime No.15 of 2021 on the file of the Judicial Magistrate, Sathayamangalam.

For Petitioners: Mr.N.Saravanan

For Respondent : Ms.T.P.Savitha
Government Advocate (Crl.Side)

O R D E R

Ms.T.P.Savitha, learned Government Advocate (Crl.Side) takes notice for the respondent. By consent of both parties, the Criminal Revision Case is taken up for final hearing at the admission stage itself.

2.This Criminal Revision Case has been filed against the order dated 22.02.2021 made in C.M.P.No.438 of 2021 in Crime No.15 of 2021 on the file of the Judicial Magistrate, Sathayamangalam.

3.The learned counsel for the petitioners would submit that based on the complaint filed by the petitioners/de facto complainants, the respondent/police registered a case in Crime No.15 of 2021 against 19 accused for the offence under Sections 364 A, 386, 506(1), 342 IPC. During the investigation, some amount has been recovered from accused persons and also for the balance amount, Demand Draft was issued. Subsequently, the de facto complainants filed a petition under Section 451 Cr.P.C

seeking direction to handover their recovered amount. After hearing, the learned Magistrate dismissed the petition on 22.02.2021. Challenging the same, the petitioners are before this Court.

4.The learned Government Advocate (Crl.Side) for the respondent would submit that investigation is pending and charge sheet has also not yet been filed and hence the amount in question cannot be released at this stage.

5.On a perusal of the records and the submissions made by the learned counsel on either side, it would reveal that the investigation is pending and the charge sheet also has not yet been filed and the Demand Draft, which was recovered from the accused was produced before the learned Magistrate. At this stage, return of property during the investigation is only the discretionary power of the learned Magistrate.

6. In the light of the above facts, this Court does not find any perversity or infirmity in the order dated 22.02.2021 passed by the learned Judicial Magistrate, Sathayamangalam. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Sathayamangalam.

2.The Inspector of Police,
Sathayamangalam Police Station,
Erode District.

3.The Additional Public Prosecutor,
High Court, Madras.

Crl.R.C.No.188 of 2021

RR(CO)
CB(15/06/2021)