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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.387 of 2021

S.Prakash Kumar

... Petitioner

..VS..

1.State represented by,
The Sub Inspector of Police,
K-10, Koyembedu Police Station,
Chennai - 600 107,
Crime No.809 of 2017.

2.The Branch Manager,
Indian Overseas Bank,
Valasaravakkam Branch,
Chennai - 600 087.

... Respondents

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to call for the records in CrI.M.P.No.12091 of 2019 in C.C.No.5477 of 2017 dated 23.01.2021 now pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai and set aside the same and consequently direct the Manager, Indian Overseas Bank, Valasaravakkam to release the above sum of Rs.4,41,433/- (Rupees Four Lakhs Forty One Thousand Four Hundred and Thirty Three Only) now lying in SB Account No.6511648823.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.S.Sugendran
Government Advocate (CrI.Side)
for R1

O R D E R

This Criminal Revision Case has been filed against the order dated 23.01.2021 passed in CrI.M.P.No.12091 of 2019 in C.C.No.5477 of 2017 by the learned V Metropolitan Magistrate, Egmore, Chennai.

2.It is the case of the petitioner that he is alleged to have purchased the stolen jewels from one of the accused without knowing the fact that the said jewels are stolen one and the



same were seized by the respondent/police. After completion of the investigation, the respondent police filed a charge sheet and the same was taken on file in C.C.No.5477 of 2017. The petitioner has not been shown as an accused in the said case and he was only shown as a witness. Further, the petitioner was examined as P.W.7 in chief, due to various reasons, he has not been cross examined so far. Therefore, the petitioner filed a petition in Crl.M.P.No.12091 of 2019 before the V Metropolitan Magistrate, Egmore, Chennai to return the amount, which was deposited by him in the second respondent Bank. After enquiry, the learned Magistrate dismissed the petition. Challenging the same, the petitioner is before this Court.

3. Admittedly, the case was registered in the year 2017, investigation completed, charge sheet filed and the same was taken on file in C.C.No.5477 of 2017. After completion of the formalities, the trial Court commenced the trial and totally seven witnesses were examined and the petitioner has been examined as P.W.7 in chief.

4. Therefore, considering the stage of the trial, this Court is not inclined to interfere with the order passed by the learned Magistrate. However, the petitioner is at liberty to file a petition seeking return of the deposited amount, after disposal of the case in C.C.No.5477 of 2017. The learned Magistrate is directed to expedite the trial and dispose of the case in accordance with law as early as possible.

5. With the above direction, this Criminal Revision Case is disposed of.

s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Sub Inspector of Police,
K-10, Koyembedu Police Station,
Chennai - 600 107.



3. The Branch Manager
Indian Overseas Bank
Valasaravakkam Branch, Chennai 87.

4. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.387 of 2021

SS (CO)
SP (19/07/2021)