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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.521 of 2021

Abibhulla

... Petitioner/
Owner of Property

Versus

The State rep.by its
Inspector of Police,
B-1, North Beach Police Station,
Chennai District,
Crime No.119 of 2021.

... Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records and set aside all the conditions 1, 2, 3, 4 and 5 imposed upon the petitioner by the VII Metropolitan Magistrate at George Town, Chennai in Crl.M.P.No.4699 of 2021 dated 20.07.2021 and order for return of cash of Rs.48,84,180/- seized by the respondent police in Crime No.119 of 2021 on the file of the respondent police to the custody of the petitioner.

For Petitioner : Mr.M.Ravikumar

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 20.07.2021 passed in Crl.M.P.No.4699 of 2021 by the learned VII Metropolitan Magistrate, George Town, Chennai.

2.The case of the prosecution is that the petitioner is carrying business at Shop No.192, Evening Burma Bazaar, Rajaji Salai, Chennai for about 10 years. On 12.04.2021, one day collection of that shop Rs.2,00,000/- along with the amount of four days collection of his partner was kept in a bag in the shop. On 13.04.2021 at about 10.55 a.m. the petitioner was informed that the locks of the shop are missing and he went to the shop and seen that the cash bag is missing and hence, the petitioner filed a complaint.



3.The respondent police registered a case in Crime No.119 of 2021 and after investigation they have arrested the accused and recovered a sum of Rs.48,84,180/- and deposited the said amount in the Court below. Subsequently, the petitioner filed a petition under Section 451 Cr.P.C seeking direction to handover the recovered amount to the petitioner. After hearing, while ordering return of cash to the petitioner, the learned Magistrate imposed certain conditions. Challenging the same, the petitioner is before this Court.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.

5.On a perusal of the records and the submissions made by the learned counsel on either side, this Court finds that the investigation completed and charge sheet filed and the same was taken on file in C.C.No.1304 of 2021. Since the case is pending, for return of the money, the Court below imposed certain conditions. The ownership and return of the property can be decided only after trial, but, not at this stage.

6.In view of the above, this Court does not find any perversity in the conditions imposed by the trial Court and hence, there is no merit in this Criminal Revision Case. Accordingly, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The VII Metropolitan Magistrate,
George Town, Chennai.

2.-Do this- The Chief Metropolitan Magistrate,
Egmore Chennai.

George Town, Chennai.

3. The Inspector of Police,
B-1, North Beach Police Station,
Chennai District.



4. The Public Prosecutor,
High Court, Madras.

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Cr1.R.C.No.521 of 2021

PVS (CO)
CT(23/09/2021)