

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.8032 of 2017

Veronica

... Petitioner

Vs.

1. The Regional Director,
Reserve Bank of India,
Fort Glacis, No.16, Rajaji Salai,
Chennai - 600 001.

2. Central Board,
Reserve Bank of India,
Secretary's Department,
Central Office Building,
16th Floor, Shahid Bhagat Singh Marg,
Mumbai - 400 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 1st respondent to comply with the order of the Judicial Magistrate III, Vellore dated 13.03.2017 in Cr. M.P. No.416 of 2017 on the file of the Judicial Magistrate III, Vellore as per letter dated 16.03.2017 and accept the specified bank notes released to the petitioner amounting to a total of Rs.3,43,500/- (Rupees Three Lakhs Forty Three Thousand Five Hundred) as a deposit and remit the same in petitioner account No.2601, IOB, Kilpauk Branch, Chennai - 600 010.

For petitioner

... Mr.D.Ferdinand

For respondents

... Mr.T. Poornam for R1

Mr.C. Mohan for

M/s.King & Patride for R2

ORDER

This writ petition has been filed for a Mandamus to direct the 1st respondent to comply with the order of the learned Judicial Magistrate III, Vellore dated 13.03.2017 in Cr. M.P. No.416 of 2017 on the file of the Judicial Magistrate III, Vellore, as per the letter dated 16.03.2017 and to accept the specified bank notes released to the petitioner amounting to a total of Rs.3,43,500/- (Rupees Three Lakhs Forty Three Thousand Five Hundred) as a deposit and remit the same in the petitioner's bank A/c. No.2601, Indian Overseas Bank, Kilpauk Branch, Chennai - 600 010.

2. The case of the petitioner is that her husband was murdered and during investigation by the police, cash amounting to a sum of Rs.3,43,500/- was seized from the petitioner. By order dated 13.03.2017 in Cr.M.P. No.416 of 2017, the learned Judicial Magistrate III, Vellore ordered for return of the seized cash back to the petitioner. Thereafter by letter dated 16.03.2017, the learned Judicial Magistrate - III, Vellore has returned the seized cash amounting to Rs.3,43,500/- to the petitioner. The said seized cash are of Rs.500/- and Rs.1000/- denominations. Due to demonetisation in the year 2017, the petitioner could not deposit the same into his bank account. Therefore, he approached the first respondent for conversion of the said cash and for deposit of the said amount into his bank account. He has given a representation to the respondents for the said conversion. Since the request was not considered positively by the 1st respondent, the petitioner has approached this Court.

3. Heard Mr.D.Ferdinand, learned counsel for the petitioner, Mr.T.Poornam, learned counsel for the 1st respondent and Mr.C.Mohan, learned counsel for the 2nd respondent.

4. The learned counsel for the 1st respondent would submit that the order directing return of the cash back to the petitioner in Cr.M.P. No.416 of 2017 does not specifically contain the serial numbers of the 500 rupees notes as well as 1000 rupees notes, which were returned to the petitioner. Hence, according to him, the petitioner has not complied with the Notifications, dated 12.05.2017 in GSR 460 (E) issued under Section 5 of Specified Bank Notes (Cessation of Liabilities) Act, 2017 (2 of 2017). In particular, he drew the attention of this Court to Rule 2 contained therein and would submit that since the order passed in Crl. MP No.416 of 2017 does not give the serial numbers of the 500 and 1000 rupees notes submitted by the petitioner, the 1st respondent is unable to process the request of the petitioner. However, the learned counsel for the petitioner drew the attention of this Court to the letter dated 16.03.2017 issued by the learned Judicial Magistrate III, Vellore, subsequent to the order dated 13.03.2017 passed by him in Cr.M.P. No.416 of 2017, wherein the serial numbers of the currencies have been specifically mentioned and therefore, he would submit that the objections raised by the 1st respondent is untenable.

5. Admittedly, the first respondent has not disputed the letter dated 16.03.2017 issued by the learned Judicial Magistrate - III, Vellore subsequent to his order dated 13.03.2017 passed in Cr.M.P. No.416 of 2017. The said letter gives the details of serial numbers of 500 rupees notes as well as 1000 rupees notes, which were returned to the petitioner

under the order dated 13.03.2017 passed by the learned Judicial Magistrate - III, Vellore in Cr.M.P. No.416 of 2017.

6. The relevant portion of the said letter which contains the details of the serial numbers of currencies are as follows :-

Total No. of Rs.500 = 261 Notes Serial Number of Rs.500's are	
6MA 139101 to 6MA 139300	Value 1,00,000/-
OMT 623132 to OMT 623172	Value 20,500/-
099040 and OMT 099042 to OMT 099049	Value 4,500/-
OLN 770013 to OLN 770015	Value 1,500/-
3 AP 163477, 4FQ 122935, 7 GS 886019, 2 EA 770384, 9LA 101346, 3GR 594568, 6MA 185557, 7ET254181	Value 4,000/-
Total	1,30,500/-

Total No. of Rs.1000 = 213 Notes Serial Number of Rs.1000s' are	
ODU 162101 to ODU 162300	Value 2,00,000/-
1DG 969813 to 1 DG 969815 and 1DG 995650	Value 4,000/-
5CC 350458, 8BE 471671, 3 BL 004162, 6BE 8819168, 6BV 520905, ODU 180492, 6 AR 217632, 6 CV 691800, 8 DA 375885	9,000/-
Total	Rs.2,13,000/-

7. Rule 2 of the Notification dated 12.05.2017 in GSR 460 (E) issued by the Ministry of Finance (Department of Economic Affairs), which the learned counsel for the 1st respondent relies upon reads as follows :

2. Deposit of confiscated specified bank notes :

Where specified bank notes have been confiscated or seized by a law enforcement agencies or produced before a Court on or before the 30th day of December 2016, such specified bank notes may be tendered, at any office of the Reserve Bank specified under sub-section (1) of section 4 of the Act or a nationalised bank designated by the Reserve Bank for the said purpose, for deposit in a bank account or exchange of the value thereof with legal tender, subject to the following conditions, namely :-

(a) in case confiscated specified bank notes are returned by the court to a person who is a party in case pending before that Court, then the person shall be entitled, on production of the direction of the court, to deposit or exchange such specified bank notes, the serial numbers of which -

- (i) have been noted by the law enforcement agency which confiscated or produced them before the Court and
(ii) are mentioned in the direction of the court

8. As seen from the aforementioned Rule, it is clear that in case of confiscated specified bank notes, returned by the Court, the concerned person is entitled for conversion, if he satisfies the following conditions :

- a) have been noted by the law enforcement agency which confiscated or produced them before the Court and
b are mentioned in the direction of the Court.

9. The only objection raised by the 1st respondent before this Court is that in the direction issued by the learned Judicial Magistrate - III, Vellore in Cr.M.P. No.416 of 2017, dated 13.03.2017, the serial numbers of the currencies have not been mentioned. However, by the letter dated 16.03.2017, the learned Judicial Magistrate - III, Vellore, who had passed the order has disclosed the serial numbers of the currencies, which were returned to the petitioner pursuant to the directions given by him in his order dated 13.03.2017 in Cr.M.P. No.416 of 2017. Since, the said letter has also not been disputed by the 1st respondent, there is no prohibition for the 1st respondent to credit the said amount into the nominated bank account of the petitioner, once, the said amount is deposited by the petitioner with the 1st respondent.

10. For the foregoing reasons, this Court directs the petitioner to deposit the currencies as mentioned in the letter dated 16.03.2017 sent by the learned Judicial Magistrate - III, Vellore to the petitioner as detailed hereunder :

Total No. of Rs.500 = 261 Notes Serial Number of Rs.500's are	
6MA 139101 to 6MA 139300	Value 1,00,000/-
OMT 623132 to OMT 623172	Value 20,500/-
099040 and OMT 099042 to OMT 099049	Value 4,500/-
OLN 770013 to OLN 770015	Value 1,500/-
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Total No. of Rs.1000 = 213 Notes Serial Number of Rs.1000s' are	
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Total	Rs.2,13,000/-

11. The said amount of Rs.3,43,500/- (Rupees three lakhs forty three thousand and five hundred only) shall be deposited by the petitioner with the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent shall credit the aforesaid amount, after proper verification to the bank account of the petitioner maintained with the Indian Overseas Bank, Kilpauk Branch, Chennai - 600 010, bearing Account No.2601, within a period of two weeks thereafter.

12. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS.VI)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Director, Reserve Bank of India, Fort Glacis, No.16, Rajaji Salai, Chennai - 600 001.
2. The Central Board, Reserve Bank of India, Secretary's Department, Central Office Building, 16th Floor, Shahid Bhagat Singh Marg, Mumbai - 400 001.

+lcc to Mr.T.Poornam, Advocate Sr.No.17087

+lcc to M/s.BFS Legal, Advocate Sr.No.17024

akm /18.03.21 /5P-5C/

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