



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 11.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.129 of 2020

Murugesan

.. Petitioner/Petitioner/Owner
Vs.

1.The State of Tamil Nadu,
Rep. By the Inspector of Police,
City Crime Branch Police Station,
Trichy.
Crime No.55 of 2019

2.The Deputy Superintendent of Police,
Economic Offence Wing (EOW),
Trichy,
Trichy District.

.. Respondents/Respondents/Complainant

(R2 impleaded as per order of this Court dated 04.02.2021 in
Crl.M.P. (MD)No.824 of 2021 in Crl.R.C. (MD)No.129 of 2020 by RTJ)

Prayer : This criminal revision case is filed under Sections 397
r/w. 401 of Cr.P.C., to set aside the order passed by the learned
Judicial Magistrate No.II, Thiruchirappalli dated 11.01.2020 made in
Crl.M.P.No.70 of 2020 in R.P.No.470 of 2019.

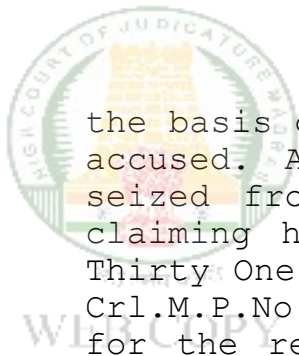
For Petitioner
For Respondents

: Mr.T.Selvan
: Mr.K.R.Bharathi Kannan
Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in
Crl.M.P.No.70 of 2020 in R.P.No.470 of 2019 dated 11.01.2020, on the
file of the learned Judicial Magistrate No.II, Thiruchirappalli.

2.Originally the case was registered by the first respondent
in Crime no.55 of 2019 under Sections 406, 417, 420 of IPC and
Section 66 of Information Technology Act. Subsequently, the case was
transferred to the second respondent and was taken on file as Crime
No.1 of 2020. The offence against the accused is that they entice
the public to deposit a sum of amount in BIT 2 BTC Stoctist Mart.
Believing the words of the accused, so many persons have deposited
money. Subsequently, the accused closed the office and failed to
return the amount. The petitioner is one of the depositer. He made a
deposit in the name of his wife and that he filed a complaint. On



the basis of the complaint, the case was registered against the five accused. A sum of Rs.80,00,000/- (Rupees Eighty Lakhs only) was seized from the accused by the first respondent. The petitioner claiming himself as the owner of a sum of Rs.31,15,000/- (Rupees Thirty One Lakhs and Fifteen Thousand only) has filed a petition in Crl.M.P.No.70 of 2020 before the Judicial Magistrate No.II, Trichy for the return of the amount. That petition was dismissed by the Trial Court on 11.01.2020. Against the dismissal of the petition, the petitioner preferred this revision.

3.On the side of the petitioner, it is stated that the petitioner has deposited the amount by borrowing from his relatives and he has to repay the amount to them. Only three of the complainants have deposited amount through the particular accused. The petitioner is the major depositor. The petitioner is ready to furnish security and prayed the amount to be returned to the petitioner.

4.On the side of the respondents, it is stated that 46 complaints are received so far. As per those complaints, total amount cheated by the accused is Rs.3,55,00,754/-. But only Rs.80,00,000/- (Rupees Eighty Lakhs only) was seized from the accused. As per the confession of the accused, there are 12,000 depositors and the total deposit amount is 500 Crores. A lot of innocent public have invested their hard earn money. It could not be ascertained which amount deposited by the complainant was recovered. Without completing the investigation and without ascertaining the particulars of the victim, the amount deposited by each of the victims, cannot be returned to them. The amount which was recovered, can be disbursed between the victims under the TNPID Act through the proceedings of the DRO and could not be disbursed at this stage.

5.A perusal of the records reveals that the petitioner is one of the complainants, who filed complaint against the accused. There are 46 complaints received by the respondents so far. It is stated that there are much more depositors, who deposited money with the accused. Out of total sum of Rs.3,55,00,754/- as stated in the 46 complaints, the respondents have recovered only Rs.80,00,000/-.

6.In the above circumstances, before the completion of the investigation, this Court cannot decide whether the particular amount, belongs to this revision petitioner/complainant or it belong to the other complainants. In the above circumstances, this Court ordered the trial Court to deposit the amount in a fixed deposit scheme, after taking photo copy of the currency notes. After the completion of the investigation, the concerned authority can pass an order in accordance with law and to disburse the amount with the accrued interest.



7. With the above direction, this Criminal Revision Cases are dismissed.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2021

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 No.2,Trichy.

2.The chief Judicial Magistrate, Trichy.

3.The Inspector of Police,
State of Tamil Nadu,
City Crime Branch Police Station,
Trichy.

4.The Deputy Superintendent of Police,
Economic Offence Wing (EOW),
Trichy,
Trichy District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.129 of 2020

11.03.2021

SSS(CO)

KB(24.03.2021) 3P 6C