



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.07.2021

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)No.410 of 2021

WEB COPY

K.Vijayan

: Petitioner/Petitioner

Vs.

State rep. by
The Inspector of Police,
West Police Station,
Virudhunagar,
(Crime No.39 of 2021)

: Respondent/Complainant

Prayer:

Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure, against the order of the Judicial Magistrate No.1, Virudhunagar, in Cr.M.P No.1474 of 2021, dated 31.03.2021.

For Revision Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mr.P.Kottaisamy
Counsel for State Government
(Criminal side)

O R D E R

This Criminal Revision is directed against the order of the Judicial Magistrate No.1, Virudhunagar, in Cr.M.P No.1474 of 2021, dated 31.03.2021.

2.The petitioner is doing Real Estate business at Perambalur and the accused persons have cheated the petitioner that they will deliver iridium and received huge amount from the petitioner on various dates. However, the accused persons have not delivered the iridium as promised and cheated the petitioner. The petitioner lodged a complaint before the respondent police and FIR in Crime No.39 of 2021 was registered against the accused persons under sections 120(B), 420, 294(b) and 506(ii) IPC. Subsequent to the registration of FIR, respondent police arrested the accused persons and recovered money from the 1st accused to the tune of Rs.5,64,000/-. The respondent police produced the recovered money before the Judicial Magistrate No.I, Virudhunagar, in P.R No.28 of 2021. The petitioner filed petition in Crl.M.P No.1474 of 2021 under sections 451 and 457 of Cr.P.C and sought for return of money, which



was remanded in P.R No.28 of 2021. The trial court dismissed the application on 31.03.2021 holding that the ownership of the money cannot be determined at this stage. Aggrieved by the said order, the petitioner is before this court.

3.Heard the learned counsel appearing on for the petitioner and perused the materials available on record.

4.It is the grievance of the petitioner that he is the owner of the money and handing over the custody of the money will not caused any prejudice to the respondent police or the accused.

5.It is seen from the records that the respondent police arrested the accused persons and recovered money from the 1st Accused Krishnamoorthy to the tune of Rs.5,64,000/- and it was produced in P.R No.28 of 2021 on the file of the Judicial Magistrate No.1, Virudhunagar. Now, the investigation is pending. Considering the above circumstances, the trial court has dismissed the petition filed by the petitioner on the ground that the ownership of the money cannot be determined at this stage. This court is of the view that if the money is handed over to the petitioner, it will affect the further investigation of the case and at this stage, the ownership of the money cannot be decided. Hence, it is held that the trial court has rightly dismissed the petition filed by the petitioner.

6.In fine, this Criminal Revision fails and the same dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.1,
Virudhunagar.
- 2.The Inspector of Police,
West Police Station, Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RK (02.08.2021) 3P 4C