



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM : JUSTICE N.SESHASAYEE

CRL.R.C.NO.11 OF 2022

Vignesh

.. Petitioner / Petitioner /
Defacto complainant

Vs.

1. The State, Rep by its
Inspector of Police
Cyber Crime Police Station
Vepery, Chennai - 600 007.

2. Harikrishnan

.. Respondent

(R2 impleaded as per order in Cr1.R.C.No.11 of 2022
dated 10.01.2022)

PRAYER:

Criminal Revision filed under Section 397 & 401 Cr.P.C., praying to call for the records and to set aside the order passed by the Chief Metropolitan Magistrate, Egmore, Chennai made in Cr1.M.P.No.25802 of 2021 dated 14.12.2021 and order to return the money of Rs.77,40,007/- which is lying in the account of A/c.No.190005000555 ICICI-current account Chennai, which was freezed by the respondent herein concerned with Crime No.67 of 2021 on the file of the Inspector of Police, Cyber Crime Police Station, Vepery, Chennai-7, to the petitioner herein.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1. Side)
for R1

Mr.A.Kripakaran [R2]



O R D E R

The revision petition is preferred by the defacto complainant, who claims that he as a victim of online gambling, is stated to have lost Rs.77,40,007/- and that on a complaint lodged by him, a case in Crime No.67 of 2021 came to be registered by the respondent-police under Section 420 IPC r/w. Section (4)(1)(a) (vi) of T.N. Gaming Act, 1930 and Sections 45 & 46 of T.N. City Police Act, 1888.

2. In the course of investigation, the Investigating Agency has frozen the bank account of accused persons. The defacto-complainant moved the learned Chief Metropolitan Magistrate with a petition in CrI.M.P.No.25802 of 2021 for paying Rs.77,40,007/- from and out of the account of A1, which as already indicated is presently frozen by the Investigating Agency. This petition was dismissed by the learned Chief Metropolitan Magistrate vide his order dated 14.12.2021. Challenging the dismissal, the present revision is filed.

3. Heard the learned counsel for the petitioner and the second respondent and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (CrI. Side) for the respondent-State.

4. The learned counsel for the revision petitioner vehemently argued that the entire transaction is through Bank and the monies were transferred from the account of the revision petitioner to the account of the accused. The learned counsel added that the learned Chief Metropolitan Magistrate has gone wrong in giving an early benefit to the accused which is impermissible.

5. This Court carefully perused the order of the learned Chief Metropolitan Magistrate and satisfied that there is neither impropriety nor any irregularity in he exercising jurisdiction in the matter. After all, here is a crime alleged by the defacto complainant/revision petitioner which is pending investigation. Even the final report in this case has not been laid and it is pre-mature to presume that the money in the account belongs to the defacto complainant and to hand-over the said amount at the pre-trial stage. Moreover, it is not even the case of the defacto-complainant that he had lost the money without his knowledge. Even if his case were to be believed, he willingly walked into the trap of the accused person and lost the money, therefore, he may have to wait for the outcome of the trial.

6. This Court does not find any merit in the revision petition and the same is dismissed. However, this Court directs the Investigating Agency to complete the process of investigation



within three months from today, and once the final report is laid, the learned Chief Metropolitan Magistrate is required to frame charges and dispose of the matter at the earliest, since this matter involves a case for remedying the revision petitioner at a later stage of this case.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chief Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police
Cyber Crime Police Station
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.A.Kripa Kumar, Advocate, S.R.No.9990

Cr1.R.C.No.11 of 2022

PL(CO)
PM/01/03/2022