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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Revision Case No.1085 of 2021

Nazar

...Petitioner

..Vs..

The State rep by Inspector of Police,
Maharahakadai Police Station,
Krishnagiri District,
(Crime No.89 of
2021)

...Respondent

PRAYER: Criminal Miscellaneous petitions filed under Section 397 r/w 401 of Cr.P.C to call for the records in Crl.M.P.No.3370 of 2021 on the file of Judicial Magistrate No.II, Krishnagiri and set aside the same subsequently grant interim custody a sum of Rs.10,00,000/- (Ten Lakhs).

For Petitioner : Mr.K.Sudhakar

O R D E R

This Criminal Revision case has been filed against the order dated 31.08.2021 in Crl.M.P.No.3373 of 2021 in C.C.No.63 of 2021 passed by the Judicial Magistrate II, Krishnagiri, dismissing the application seeking for return of cash.

2. Learned counsel for the petitioner would submit that the accused in the guise of doubling money and giving additional amount, had cheated an amount of Rs.80 lakhs. On the complaint given by the petitioner's friend, a case in Crime No.89 of 2021 has been registered against one Rajesh and five others for the offences under Sections 415, 417, 170 and 420 of I.P.C. Pending investigation, the petitioner had filed an application seeking for return of cash and the learned Judge holding that the investigation is pending and that the petitioner has not produced any documents to prove that the cash belongs to him, had dismissed the application. Learned counsel for the petitioner would further submit that the petitioner is a trader engaged in the business of dealing with



wholesale vegetables and he is also a commission agent and thereby he was having cash. The petitioner had also produced the copies of the bills.

3. Per contra, Mr.S.Sugendran, learned Government Advocate (crl.side) for the respondent would submit that the friend of the petitioner had given a complaint as if the accused had cheated him in the guise of doubling the amount. He would submit that the investigation is still pending and the respondents are taking steps to find out the real owner of the cash. He would further submit that the complaint was given by one Chandrakumar and a case in Crime No. 89 of 2021 has been registered for the offence under Sections 415, 417, 170 and 420 of I.P.C. As per the defacto-complainant, the accused in the guise of giving additional amount, had taken Rs.80,00,000/- and cheated him. He would submit that the investigation is pending and since the amount is huge, the respondents are taking steps to find out the real owner of the amount. Further, the petitioner had not filed any documents before the Trial Court to prove that the money belongs to him and thereby the Trial Court had dismissed the petition. He would further reiterate that the investigation is pending. At this stage, if the amount is returned to the petitioner, it would affect the investigation and there is no error and infirmity in the order.

5. Heard the counsels on either side and perused the materials available on record.

6. The Trial Court finding that the petitioner had not produced sufficient proof, had dismissed the application and it is also reported by the respondent that investigation is pending. This Court is of the opinion that it is not conducive to return the cash to the petitioner at this stage. The criminal revision stands dismissed. However, liberty is granted to the petitioner to renew the application after the completion of investigation.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

vri/snk

To

1. The Judicial Magistrate No.II,
Krishnagiri



2. The Chief Judicial Magistrate,
Krishnagiri.

3. The Inspector of Police,
Maharahakadai Police Station,
Krishnagiri District,
(Crime No.89 of 2021)

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Sudhakar, Advocate, S.R.No.404

Criminal Revision Case No.1085 of 2021

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NSK 19/01/2022