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Crl.R.C.No.1572 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2022

CORAM :

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.1572 of 2022

V.Saravanan

.. Petitioner

Vs.

State rep.by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

..Respondent

PRAYER : Criminal Revision Case has been filed under section 397 read with 401 of Criminal Procedure Code to set aside the order dated 13.09.2022, passed in Crl.M.P.No.3649 of 2022, on the file of learned Judicial Magistrate, Palladam in Crime No.18 of 2017 on the file of the Palladam Police Station.

For Petitioner : Mr.M.Rajasekar

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)



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CrI.R.C.No.1572 of 2022

ORDER

This Criminal Revision Case is filed against the impugned order passed by the learned Judicial Magistrate, Palladam, in CrI.M.P.No.3649 of 2022 dated 13.09.2022.

2.The learned counsel for the petitioner submitted that the petitioner had given a complaint to the respondent police with regard to the cheating committed by the accused persons. Based on the complaint, a case has been registered in Crime No.18 of 2017 on 05.01.2017. Thereafter, the respondent police arrested the accused and seized a sum of Rs.7,90,000/- from the accused person, which was in the custody of the respondent police. The petitioner filed an application in CrI.M.P.No.3649 of 2022 before the learned Judicial Magistrate for return of the seized amount to him, which was dismissed by the trial Court on 13.09.2022 on the ground that the trial Court has no jurisdiction after dismissal order passed by the High Court in CrI.O.P.No.6587 of 2018 dated 02.03.2020



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3. The learned Government Advocate (Crl.Side) for the State submitted that the investigation is still pending and they have sought information from the Income Tax Department and the respondent received a reply letter dated 29.06.2022 from the Income Tax Department stating that (a) There is no evidence at hand which attributes and identifies the ownership of the seized cash of Rs.7,90,000/-. (b) Without prejudice to the above observation, it is seen that based on the FIR, two persons other than Shri Saravanan were involved in possessing the cash. The seized amount when considered in three person's hands translates to Rs.2.6 lakh only for a person. Hence, no adverse inference with regard to income escaping taxation is considered necessary in this case.

4. On a perusal of the records, it reveals that the petitioner had given a complaint to the respondent police against the accused person for cheating. Thereafter, the respondent police arrested the accused person and seized a sum of Rs.7,90,000/-. However, the petitioner filed an application before the learned Judicial Magistrate for return of the seized amount. The trial Court dismissed the application on



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the ground that the High Court dismissed the petition on 02.03.2022 in Crl.O.P.No.6587 of 2018 filed by the petitioner.

5. Further, it is seen from the records in Crl.O.P.No.6587 of 2018, this Court dismissed the petitioner's claim on the ground that the respondent police, at the relevant point of time submitted that the seized money is kept under their custody for want of Income Tax department's clearance. Now the learned counsel for the petitioner filed the Income Tax department report sent to the Inspector of Police, Palladam on 29.06.2022. In this report, the Income Tax Department has intimated the Inspector of Police that the petitioner has not evaded any tax payable to the Income Tax Department.

6. Considering the report of the Income Tax department, the complainant is entitled to get back the seized amount which is under the interim custody of the respondent police. Accordingly, this ***Criminal Revision Case is allowed***. The impugned order passed by the trial Court is set aside. and the trial Court is directed to return the seized amount of



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Rs.7,90,000/- on the petitioner on executing a bond for a sum of
Rs.7,90,000/-.

15.12.2022

Index: Yes/No

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To

1. The Judicial Magistrate, Palladam

2.The Inspector of Police,
Palladam Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai-104.



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V.SIVAGNANAM, J.

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