



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.R.C. (MD)No.175 of 2022**

WEB COPY

K.Balamurugan

... Petitioner/Petitioner/  
Defacto Complainant

Vs.

The State Represented by  
The Inspector of Police,  
District Crime Branch,  
Dindigul District.

... Respondent/ Respondent/  
Complainant

(Crime No.17 of 2021)

**Prayer:** This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.II, Dindigul in Cr.M.P.No.10714 of 2021 dated 27.10.2021 and set aside the same and consequently direct the above said learned Magistrate to return the cash of Rs.4,50,000/- to the petitioner.

For Petitioner : Mr.S.Balaji

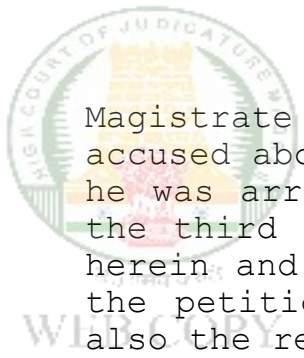
For Respondent : Mrs.M.Aasha  
Government Advocate (Crl. Side)

**ORDER**

The Criminal Revision Petition has been filed to set aside the order passed by the learned Judicial Magistrate No.II, Dindigul in Cr.M.P.No.10714 of 2021 dated 27.10.2021 and to direct the said learned Magistrate to return the cash of Rs.4,50,000/- to the petitioner.

2.The petitioner is the complainant and he lodged complaint alleging that the accused persons received a sum of Rs.6,50,000/- to get a job. After receipt of the same, the accused persons cheated the petitioner. Hence, the said complaint has been registered in Crime No.17 of 2021 for the offences under Sections 420, 466, 468, 473 and 120 B of IPC.

3.In pursuant to the FIR, the third respondent was arrested and remanded to judicial custody and also recovered a sum of Rs.4,50,000/- and the said amount was deposited in R.P.R.No.72 of 2021 in Crime No.17 of 2021, on the file of the learned Judicial



Magistrate No.II, Dindigul. It is also seen that when the third accused about to settle the said amount in favour of the petitioner, he was arrested and remanded to judicial custody. While arresting the third accused, the said amount was recovered by the respondent herein and deposited the same. However, the Court below dismissed the petition for the reason that the investigation is pending and also the respondent objected the return of money.

4.Infact, on perusal of the bail petition filed by the third accused also revealed that when the third accused proceeded to settle the amount in favour of the petitioner herein, he was arrested and remanded to judicial custody and the said amount also recovered from the third accused.

5.In view of the above, order passed by the learned Judicial Magistrate No.II, Dindigul in Cr.M.P.No.10714 of 2021 dated 27.10.2021 is set aside. The learned Judicial Magistrate No.II, Dindigul, is directed to return the return a sum of Rs.4,50,000/- to the petitioner on the following conditions:

(i)The petitioner is directed to execute a bond for a sum of Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul.

(ii)The seized amount should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iii)If any of the conditions are violated, this order automatically stands cancelled.

6.With the above direction, the Criminal Revision Case is allowed. .

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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.II,  
Dindigul.

2.The Inspector of Police,  
District Crime Branch,  
Dindigul District.

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

+1 CC to M/s.S.BALAJI, Advocate ( SR-8415[F] dated 24/02/2022 )

Crl.R.C.(MD)No.175 of 2022  
24.02.2022

\_RD(15.03.2022) 3P 5C