



Crl.R.C.(MD).No.437 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.11.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.437 of 2022

S.Manikandan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Cyber Crime Police Station,
Virudhunagar.
(Crime No.13 of 2022)

... Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.M.P.No. 1817 of 2021 dated 20/04/2022 on the file of the Judicial Magistrate.No.I, Virudhunagar and set aside the same by allowing the Revision Petition.

For Petitioner : Mr.A.Mohan

For Respondent : Mr.S.Manikandan
Government Advocate (Crl. Side)

ORDER

This revision petition has been preferred by the petitioner against the order of dismissal that was passed by the trial Court.



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2.The petitioner being the defacto complainant in Crime No.13 of 2022 filed a complaint stating that under the threat the accused demanded money and that was also transferred to his account through account transaction to the tune of Rs.86,510/-. On the basis of the complaint, case was registered under Sections 420, 465, 384 of IPC and Section 67 of Information Technology (Amendment Act) 2008. The accused was arrested and remanded to the custody. Money was also recovered from him and produced before the concerned trial Court. Seeking return of the above said amount as interim custody, the petitioner has filed the petition before the trial Court, that was came to be dismissed on the ground that in the course confession statement of the accused reveals that apart from this revision petitioner some persons have also been cheated.

3.The learned Additional Public Prosecutor submitted that so far no complaint has been received against the accused person and there is no rival claim for the above said money.

4.In view of the above said submission made by the learned Additional Public Prosecutor, this criminal revision case is **allowed** and the order, dated 20.04.2022, passed by the learned Judicial Magistrate No.I,



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Virudhunagar, in Crl.M.P.No. 1817 of 2021 is hereby set aside. The matter is remanded back to the trial Court. The trial Court by after taking photographs of the currency notes and by following the proper procedure and by making proper report in the presence of complainant and the accused person, returned the money to the petitioner, with conditions as it deem it fit.

01.11.2022

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Judicial Magistrate No.I, Virudhunagar.
- 2.The Inspector of Police,
Cyber Crime Police Station,
Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA N,J.

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