



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C. (MD)Nos.669 and 691 of 2020

N.Ramaiah ... Petitioner in Crl.R.C.(MD)No.669 of 2020

V.Velmurugan ... Petitioner in Crl.R.C.(MD)No.691 of 2020

Vs.

1. The State represented by its
The Inspector of Police,
Surandai Police Station,
Tirunelveli District,
in Crime No.352 of 2019.

2. Gajendran

3. Rathinamohan
(R2 & R3 are impleaded as per order of this
Court dated 02.02.2021)
...Respondents in both petitions

Prayer in Crl.R.C.(MD)No.669 of 2020 : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order of the learned Judicial Magistrate, Alangulam, Tirunelveli District, in Crl.M.P.No.6503 of 2020, dated 28.02.2020 and set aside the same.

Prayer in Crl.R.C.(MD)No.691 of 2020 : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order of the learned Judicial Magistrate, Alangulam, Tirunelveli District in Crl.M.P No.6502 of 2020 dated 28.02.2020 and set aside the same as illegal and allow the above Criminal Revision Petition.

For Petitioners	: Mr.M.Jegadeesh Pandian
For Respondents	: Mr.M.Aasha
	Government Advocate
	(Criminal Side)
	for R1
	: Mr.S.Kumar for R2
	: Mr.S.Selvakumar for R3
	(in both petitions)



COMMON ORDER

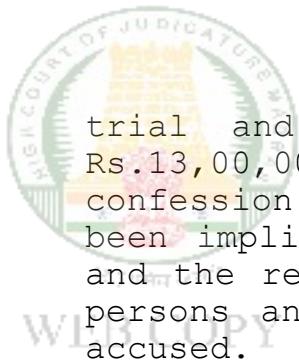
These petitions have been filed as against the dismissal of the petitions filed for return of cash under Section 451 of Cr.P.C., in Crl.M.P Nos.6502 and 6503 of 2020 dated 28.02.2020 on the file of the learned Judicial Magistrate, Alangulam, Tirunelveli District.

2.Both the petitioners herein are victims. On their complaint, the first respondent registered the case in Crime No.352 of 2019 for the offences under Section 407 and 420 of IPC as against two accused persons, alleging that one Paulraj introduced himself to the petitioners and informed that he is capable to arrange Government job through his relative one Raja. Believing the said words, the petitioners have parted a sum of Rs.8,00,000/- and Rs.5,00,000/- respectively, to the said Paulraj. Likewise, the said Paulraj has also received a huge sum from other victims by giving a false assurance of getting a Government job to them. However, the said Raja failed to get any job for the victims and refused to return the money which were received from the victims.

3. The first respondent, after registration of First Information Report, conducted investigation and found that one Gajendran is also a third accused and recovered a sum of Rs.5,46,480/- from him and a sum of Rs.11,80,000/- was recovered from the first accused. The said amount was deposited in R.P.R.No.444 of 2019 before the learned Judicial Magistrate, Alangulam, Tirunelveli District. While pending investigation, the petitioners are being the victims, filed petitions under Section 451 of Cr.P.C., to return the cash. While pending the petition, the third accused also filed petition in Crl.M.P.No.92 of 2020 to return all the said money. That apart, one Rathina Mohan who is also claiming as a victim and filed a petition for return of money in Crl.M.P.No.179 of 2020.

4. The trial Court dismissed all the petitions of the petitioners / victims, for the reason that the particulars of the money which was recovered from the third accused is not entitled to return to the victims. Further stated that the said Rathina Mohan has not proved that he has parted any amount to the accused persons to get job. Whereas, the petitioners are concerned, according to the prosecution, there are so many victims and as such, the quantum of amount paid by the victims to the accused persons, are not clear and the petitioners are not entitled to get back the money.

5. On a perusal of counter affidavit filed by the first respondent in both the petitions, revealed that the investigation has almost been completed and there are other victims who had parted amount with the accused persons to get job. Further the ownership of the cash will be decided only at the time of conclusion of the



trial and admittedly, the petitioners are victims who parted Rs.13,00,000/- to get job with the accused person. As per the confession statement of the second accused, the third accused has been implicated and a sum of Rs.5,46,480/- was recovered from him and the remaining amount has been recovered from the other accused persons and a sum of Rs.11,80,000/- was recovered from the first accused.

6.As per the confession statement, the petitioners were paid a sum of Rs.8,00,000/- and Rs.5,00,000/- respectively, to get job from the accused persons, in which after spending some amount for other expenses, the remaining amount was recovered from the accused persons. Therefore, there is no quarrel over the ownership of the cash, since the accused themselves confessed that the sum of Rs.13,00,000/- received from the petitioners. The petitioners are however victims and they have parted a huge amount and now they are standing in the street without money as well as any job.

7. In view of the above, the orders passed by the learned Judicial Magistrate, Alangulam, Tirunelveli District in Crl.M.P.Nos.6502 and 6503 of 2020, dated 28.02.2020, are set aside and these Criminal Revision Petitions are allowed. The learned Judicial Magistrate, Alangulam, Tirunelveli District, is directed to return the cash to the petitioners, in which the petitioner in Crl.R.C.No.669 of 2020 is entitled to get back a sum of Rs.6,80,000/- and the petitioner in Crl.R.C.No.691 of 2020 is entitled to get a sum of Rs.5,00,000/- on condition that the petitioners shall execute a bond to the sum of Rs.6,80,000/- (Rupees Six Lakhs Eighty Thousand only) and Rs.5,00,000/- (Rupees Five Lakhs only) respectively, each with two solvent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Alangulam, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

1. The Judicial Magistrate, Alangulam,
Tirunelveli District.



2.The Inspector of Police,
Surandai Police Station,
Tirunelveli District.

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

Copy to:

The Section Officer,Criminal(Records),
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.M. JEGADEESH PANDIAN, Advocate (SR-19236[F] & SR-19237
[F] dated 19/04/2022)

Crl.R.C. (MD) Nos.669 and 691 of 2020
13.04.2022

MGJ(28.04.2022) 4P 8C