



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.927 of 2021

Madhu

...Petitioner/Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
In Crime No.51 of 2021.

2. The Branch Manager,
ICICI Bank,
No.235, Jessore RD,
Nagar Bazar,
DUMDUM, W.B.,
Kolkata - 70002.

3. The Branch Manager,
Karur Vysiya Bank,
Madurai Road,
Manapparai,
Trichy District.

4. Kisan Seva Kenara,
M/s.Ujjwala Solution,
43/5, Cal Jessore Road,
Kolkata,
India - 700047.

...Respondents/Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records pertaining to the order passed in Crl.M.P.No.421 of 2021 on the file of the learned Judicial Magistrate, Manapparai dated 10.08.2021 and set aside the same by allowing the Revision Petition.

For Petitioner	:	Mr.R.Pon Karthikeyan
For R-1	:	Mr.K.Sanjay Gandhi
		Government Advocate (Crl. Side)
For R-3	:	Mr.Pala Ramasamy

ORDER

This Criminal Revision Case has been filed challenging the order passed by the learned Judicial Magistrate, Manapparai, in Cr.M.P.No.421 of 2021, dated 10.08.2021, thereby, recording the submission made by the first respondent and closed the petition.



2. The petitioner received a message from the Kisan Seva Kendra Organization on 10.09.2021 and it was mentioned that the said organization was functioning under the Ministry of Petroleum and Natural Gas and they are the authority for the approval of petrol bunks across the country. Further, it revealed that a petrol bunk was allotted in the National Highways, Trichy, Dindigul at Muthapudaiyanpatti and the application for allotment can be downloaded in the website.

3. On believing the content of the message, the petitioner contacted the said mobile number and downloaded the application and followed the instructions given to him. Subsequently, the petitioner was informed that his application has been selected for allotment and he was given User ID and Application ID. Further, the petitioner was directed to pay sums of Rs.25,000/- and Rs.10,000/- towards NOC and impress amount in the Bank Account No.110005001165. Accordingly, the petitioner remitted the said amount in the account of the fourth respondent. Further, the petitioner was directed to pay a sum of Rs.3,20,000/- as a caution deposit for the petrol bunk. After the said payment, the petitioner tried to contact the fourth respondent, but, he could not contact them. Thereafter, he realised that it was phishing message and he was cheated.

4. On the complaint lodged by the petitioner, the first respondent registered F.I.R. in Crime No.51 of 2021 for the offence under Section 420 of IPC against the fourth respondent herein. The fourth respondent has account with the second respondent and it was freezed by the second respondent, while the investigation is under progress. Thereafter, the first respondent did not take any steps to seize the said amount owned by the petitioner and failed to produce before the concerned jurisdictional Magistrate. In the said account, a sum of Rs.8,22,326/- is lying, owned by the fourth respondent herein. However, till today, the first respondent did not take any steps to seize the said amount and as such, the petitioner filed a petition before the learned Judicial Magistrate, Manapparai in Cr.M.P.No.421 of 2021 under Section 451, 457 and 102 of Cr.P.C. However, the first respondent informed to the learned Judicial Magistrate that the account itself has been frozen and investigation is pending in respect of searching the fourth respondent herein. By recording the said submission, the learned Judicial Magistrate closed the petition without passing any order.

5. Considering the above facts and circumstances, the impugned order passed by the learned Judicial Magistrate, Manapparai, in Cr.M.P.No.421 of 2021, dated 10.08.2021, is set aside and the first respondent is directed to seize the amount which was cheated by the fourth respondent pursuant to Crime No.51 of 2021 on the file of the first respondent and deposit the same before the learned Judicial Magistrate, Manapparai, within a period of two (2) weeks from the date of receipt of a copy of this order. On such deposit, the



petitioner is at liberty to approach the learned Judicial Magistrate, Manapparai for return of his money in manner known to law.

6. With the above observations, this Criminal Revision Case is allowed.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Manapparai
2. The Inspector of Police,
Manapparai Police Station,
Trichy District.
In Crime No.51 of 2021.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-6633[F] dated 16/02/2022)

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16.02.2022

USK(26.02.2022) 3P 5C