



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 19957 of 2021
and
Crl.M.P.(MD)No.11252 of 2021

Muneeswaran

... Petitioner

Vs.

1.The State represented by
The District Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Srivilliputhur Police Station,
Virudhunagar District,
Virudhunagar.
(Crime No.897 of 2020)

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Judicial Magistrate No.2,Srivilliputhur, to pass appropriate direction to the second respondent police to recover/secure the amount of Rs.2,01,000/- (Rupees Two Lakhs and One Thousand only) freezed in various accounts in respect of the FIR in Crime No.897 of 2020, dated 24.06.2020.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.M.Veeranthiran
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petitioner is suffering from speech as well as hearing impairments. The petitioner states that he was induced to part with a sum of Rs.2,01,000/- (Rupees Two Lakhs and One Thousand only). He had remitted the amount in the five accounts mentioned in the petition. He had also given the account and deposit details. The petitioner is a victim of an online fraud. The petitioner thereupon gave a complaint and it was also registered in Crime No.897 of 2020



on the file of the second respondent.

3. Fortunately, for the petitioner, the named five accounts have been frozen by State Bank of India, Srivilliputhur Branch, due to the efforts taken by the Investigation Officer. This Criminal Original Petition has been filed seeking two reliefs. The petitioner wants the second respondent to file the final report. He also wants his money back.

4. In the case of this nature, it may not be possible for this Court to give any time bound direction to the second respondent. Therefore, the second respondent is directed to file the final report in this case as early as possible.

5. Regarding the return of the petitioner's money, the petitioner is permitted to file an appropriate petition before the jurisdictional Magistrate. If the petitioner is able to place convincing materials, that from his account, a sum of Rs.2,01,000/- (Rupees Two Lakhs and One Thousand only) has gone to the frozen accounts, the learned jurisdictional Magistrate is directed to direct the State Bank of India, Srivilliputhur Branch to pay the amount of Rs.2,01,000/- (Rupees Two Lakhs and One Thousand only) to the petitioner herein. Since it is an online fraud, it may not be possible to effect service of notice on the accused. The learned jurisdictional Magistrate will hear the petitioner and Investigation Officer and dispose of the petition within a period of two weeks after it is filed. The petitioner has to prove that he had deposited a sum of Rs.2,01,000/- (Rupees Two Lakhs and One Thousand only) in the five named accounts.

6. This Criminal Original Petition is disposed of on these terms. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.2,
Srivilliputhur.

2.The District Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Inspector of Police,
Srivilliputhur Police Station,
Virudhunagar District,
Virudhunagar.

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

Crl.O.P. (MD)No.19957 of 2021 and
Crl.M.P. (MD)No.11252 of 2021
07.01.2022

RD(11.01.2022) 3P 5C