



Crl.R.C.(MD).No.1184 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1184 of 2022

Kombaiah

... Petitioner / Petitioner

Vs.

State, through
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
(In Crime No.152/2022)

...Respondent / Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order passed by the Learned Principal Sessions Judge, Tirunelveli in Cr.M.P No.5973/2022 dated 09.09.2022 set aside the same and allow this Revision Petition.

For Petitioner : Mr. Susi Kumar.C

For Respondent : Mr. Suresh Kumar.R
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision Case has been filed to call for the records relating to the order passed by the Learned Principal Sessions Judge, Tirunelveli in Cr.M.P No.5973/2022 dated 09.09.2022 set aside the same and allow this Revision Petition.

2. The Revision Petitioner is arrayed as accused No.1 in Crime No. 152 of 2022 for the offence under Section 379 of IPC. In the spot itself, he was arrested and Rs.40,000/- has been recovered from the accused. For seeking return of the above said cash amount, the petitioner had filed Cr.M.P.No.5973 of 2022 and the same was dismissed by the trial Court on 09.09.2022, on the ground that he was holding the said amount by sale consideration of the illegal sand mines and the next ground is no document produced by the accused, so that the above said amount belongs to the accused. Even though the reason assigned by the trial Court is not accepted with regard to the ownership, the amount has been recovered from the Revision Petitioner and no contra evidence or no rival claim is made by any one.



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3. The above said observation has been made by the trial Court is not proper. But at the same time, it is seen that even as per the statement of the Revision Petitioner, the above said amount was realized by selling the above said sand. If it is the profit of crime, he is not entitled for return of amount during pendency of investigation. Only during the course of investigation, it will come to light that whether the above said amount is profit of crime or not. Now the Final Report also laid before the concerned Court and the same was taken cognizance in C.C.No.2300 of 2022, now it is posted for serving of summon.

4. In the light of the above said development, after examination of P.W.1 is over, the Revision Petitioner is at liberty to approach the Court and file the application for return of said amount, since by that time only, truth will come out, whether the above said amount is profit of crime or not.

5. With the above said liberty to the Revision Petitioner, this Criminal Revision Case is dismissed.

07.12.2022

Index : Yes / No
Internet : Yes / No
indu



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G.ILANGOVAAN,J.

indu

To

- 1.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
- 2.The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court, Madurai.

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