



Crl.R.C.No.1408 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.R.C.No.1408 of 2023

Mohamed Rilwan

... Petitioner

Vs.

State Represented by
Sub Inspector of Police
V-1, Villivakkam Police Station,
Villivakkam, Chennai.

... Respondent

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the order dated 09.03.2023 made in Crl.M.P.No.3340/2023 on the file of the learned XIII Metropolitan Magistrate, Egmore, Chennai and consequently order return of cash of Rs.3,23,900/- seized from the petitioner.

For Petitioner : Mr.B.Manoharan

For Respondent : Mr.R.Vinothraja,

Government Advocate (Crl. Side)

ORDER

Challenging the orders dated 09.03.2023 in
Crl.M.P.No.3340/2023 passed by the learned XIII Metropolitan



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Magistrate, Egmore, Chennai, the present revision is filed for return of a sum of Rs.3,23,900/- which was seized by the respondent police in connection with Crime No.344/2022 from the present revision petitioner/accused for the offence punishable under Sections 353, 328 IPC r/w.24(1) of the Cigarettes and Other Tobacco Products Act, 2003.

2. The case of the prosecution is that on 31.08.2022, the Sub Inspector of Police, V-1, Villivakkam Police Station was on routine vehicle check up. At about 07.00 am, they intercepted a car bearing registration No.TN-09-BL-7725 and found the accused in possession of various banned Betel Nuts and Tobacco products. The contraband was seized along with cash of Rs.3,23,900/- FIR was registered against the accused in Crime No.344/2022 of Villivakkam Police Station. The accused were arrested and remanded to judicial custody. The present revision petitioner filed a petition under Section 451 & 457 Cr.P.C. before the XIII Metropolitan Magistrate, Egmore, Chennai for return of cash of Rs.3,23,900/- in Crl.M.P.No.3340/2023 which was dismissed by the XIII Metropolitan Magistrate, Egmore, Chennai on the ground that



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the investigation has not yet been completed.

3.Mr.B.Manoharan, learned counsel for the revision petitioner contended that the revision petitioner had borrowed a sum of Rs.4,00,000/- from one Sadam Hussain by executing a promissory note and that the police had seized the said amount from him. He therefore, prayed for return of the said money to him.

4.Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. Side) would contend that the petitioner had committed similar offences for which the cases are pending against him in the following Crime Nos.79/2022, 341/2022, 342/2022 & 343/2022 of R1-Mambalam Police Station and V1-Villivakkam Police Station. He submitted that the petitioner has been in the habit of selling tobacco products and the amount of Rs.3,23,900/- is the sale proceeds. Therefore, he prayed for dismissal of the criminal revision.



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5.Though the learned counsel for the revision petitioner contended that the revision petitioner borrowed a sum of Rs.4,00,000/- from one Sadam Hussain by executing a promissory note, a copy of the said promissory note has not been produced either before the trial court or before this Court and based on the ipse dixit of the present revision petitioner. The money seized by the police cannot be returned to him. Therefore, the learned XIII Metropolitan Magistrate, Egmore Chennai was right in dismissing the petition. However, the learned Magistrate is directed to take photographs of the currency notes and then deposit the same in a Nationalized bank in accordance with law.

6.In the result, the Criminal Revision is dismissed. The order dated 09.03.2023 passed in Crl.M.P.No.3340/2023 by the learned XIII Metropolitan Magistrate, Egmore Chennai, is confirmed.

09.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

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R. HEMALATHA, J.
mtl

To

1.State Represented by
Sub Inspector of Police
V-1, Villivakkam Police Station,
Villivakkam, Chennai.

2.The learned XIII Metropolitan Magistrate, Egmore, Chennai.

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