



Crl.R.C.No.1432 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1432 of 2023

Bharath

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
Sulur Police Station,  
Coimbatore.

... Respondent

Prayer : Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code to set aside the orders dated 28.06.2023 passed in Crl.M.P.No.3018/2023 in Crime No.656/2022 by the Judicial Magistrate, Sulur, Coimbatore.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)



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**ORDER**

Challenging the orders dated 28.06.2023 in Crl.M.P.No.3018/2023 passed by the Judicial Magistrate, Suler, Coimbatore, the present revision is filed. The revision petitioner is the second accused in Crime No.656/2022 of Suler Police Station, Coimbatore for the offences punishable under Section 24(1) of COTPA Act, 2003 & 328 IPC.

2.The case of the prosecution is that on 04.11.2022, at about 10.00 a.m, the Inspector of Police, Suler Police Station, Coimbatore on receipt of secret information, went to Karaiyampalayam along with his police team and found tobacco products kept in four gunny bags at Door No.7, VPK Garden, Mylampatti, Karaiyampalayam. The house belonged to the revision petitioner/accused. They seized the contraband and also cash of Rs.20,01,800/- from the said Door No.7, VPK Garden, Mylampatti, Karaiyampalayam. FIR in Crime No.656/2022 was registered against the accused. The accused 1 & 2 were produced before the trial Court and were remanded to judicial custody. The



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contraband and the cash of Rs.20,01,800/- were sent to the concerned Judicial Magistrate under Form 95. The revision petitioner filed a petition under Section 451 & 457 Cr.P.C for return of cash of Rs.20,01,800/-.

3. Mr.C.D.Sugumar, learned counsel for the revision petitioner contended that the accused got the above said amount by doing some business and therefore, the amount should be returned back to him.

4. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. Side) for the respondent contended that the petitioner has been doing business of selling tobacco products and therefore, the amount seized from him cannot be returned. He therefore, prayed for dismissal of the criminal revision.

5. In the instant case, the petitioner did not adduce any documentary evidence to show as to how he got the cash of Rs.20,01,800/- in his possession. Therefore, the present revision is dismissed. However, the learned Judicial Magistrate, Sulur is directed to



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deposit Rs.20,01,800/- in any Nationalized Bank to the credit of Crime  
No.656/2022 after taking photographs of the currency notes.

**16.08.2023**

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

To

- 1.The The Inspector of Police, Sulur Police Station, Coimbatore.
- 2.The Judicial Magistrate, Sulur.

**R. HEMALATHA, J.**



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