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Crl.RC.Nos.1577 and 1579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.RC.Nos.1577 and 1579 of 2023

Crl.Rc.1577 of 2023

S.Prakash Babu

.. Petitioner

Vs.

The State
Represented by the Inspector of Police,
Vigilance and Anti Corruption Cell,
Ragavendra Nagar, Tirupati,
Kundram Road,
Kanchipuram-631 502.

.. Respondent

Crl.Rc.1579 of 2023

P.Gokul

.. Petitioner

Vs.

The State
Represented by the Inspector of Police,
Vigilance and Anti Corruption Cell,
Ragavendra Nagar, Tirupati,
Kundram Road,
Kanchipuram-631 502.

.. Respondent



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COMMON PRAYER in Crl.RC.Nos.1577 and 1579 of 2023: Criminal Revision Petitions filed under section 397 r/w section 401 of the Code of Criminal Procedure Code, 1973, to call for the records in Crl.M.P.Nos.8174 and 8175 of 2022 respectively on the file of the Chief Judicial Magistrate, Chengalpattu and set aside the order dated 10.07.2023.

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For Petitioners : Mr.T.M.Mano

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Revision Petitions have been filed challenging the order of trial declining to return the case properties including Indian currency of Rs.5,38,500/- seized from the petitioners herein during the search conducted by the respondent police.

2. When these matters are taken up for consideration, it is reported that Rs.5,38,500/- from the residence of the petitioner namely Prakash Babu in Crl.RC.No.1577 of 2023 and Rs.2,78,000/- from the locker which stands in the name of the petitioner namely P.Gokul, S/o. S.Prakash Babu in Crl.RC.No.1579 of 2023.



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3. Both applications filed for return of money dismissed by the trial court on the ground that no proper explanation given by the petitioner for the source of the money.

4. The learned Government Advocate (Crl. Side) submitted that these applications for returning of property was filed during pending investigation. Now, the investigation has been completed and closure report has been filed by the Inspector of Police before the trial Court stating that there is no objection for the Court to return the money seized from the residence of Prakash Babu and from the locker which stands in the name of P.Gokul and to de-freeze the account of Gokul.

5. The copy of the closure report and no objection to return the money deposited under Form 91 in the Court furnished to this Court for perusal. From the report of Deputy Superintendent of Police, Vigilance and Anti Corruption, Chengalpattu dated 19.09.2023, it appears that it is concluded that the seizure of Rs.5,38,500/- from the residence of Prakash Babu and Rs.2,78,000/- from the locker which stands in the name of Gokul, Son of Prakash Babu does not disclose any offence committed by



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Prakash Babu, public servant to attract the offence under Prevention of Corruption Act. Therefore, the prosecution has no objection to hand over the seized currency to Prakash babu son of Srinivasa Rao and Gokul son of Prakash Babu.

6. In view of the above fact, these Criminal Revision Petitions are disposed of with a direction to the trial Court to return the money to the respective petitioners as per the closure report.

21.09.2023

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To

1. The Inspector of Police,
Vigilance and Anti Corruption Cell,
Ragavendra Nagar, Tirupati,
Kundram Road,
Kanchipuram-631 502.
2. The Chief Judicial Magistrate,
Chengalpattu.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.
pal/vv

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