



Crl.R.C.(MD).No.135 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.135 of 2023

Mohammed Harish

.. Revision Petitioner / Petitioner /
Sole Accused

Vs.

The State, represented by
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.

.. Respondent / Respondent /
Complainant

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order of the learned District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District in Crl.M.P. No.28 of 2022 in Crime No.2 of 2022 dated 25.01.2022 and set aside the same and direct the learned District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District to return the amount of Rs.57,540/- belonging to the petitioner.

For Petitioner : Mr. Sarvagan Prabhhu.S

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



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ORDER

WEB COPY

This Criminal Revision Case has been filed against the order passed by the learned District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District in Crl.M.P. No.28 of 2022 in Crime No.2 of 2022 dated 25.01.2022.

2. The petitioner is facing charges under Section 24(1) and 7(1) of COPTA Act, 2003, and he was arrested along with the above said tobacco products and remanded in custody. At that time of the above said arrest, cash amount of Rs.57,540- was also recovered from the petitioner along with a vehicle, which was remanded before the trial Court. Seeking interim custody of the vehicle and as well as the above said currency note, he has filed a petition under Section 451 of Cr.P.C., that came to be partly allowed with regard to the vehicle by the trial Court dated 25.01.2022. So far the currency note is concerned, it has been dismissed on the ground that if the above said money is returned back to the petitioner on interim custody, there is every possibility of spending the same.



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3. The learned counsel for the petitioner would submit that if there is the order of the trial Court, he is ready to produce sureties for the above said currency notes.

4. I am unable to agree with the line of argument of the petitioner. Perusal of CD file shows that, it is the profit of crime. Since it is stated to be the profit of crime, the matter can be assessed only at the time of conclusion of the trial. So, this is the premature stage to return the above said currency note on interim custody. It cannot be taken as ordinary case of return of vehicle or other. So, the petitioner can wait till the conclusion of the trial. If he is aggrieved by the outcome of the trial, he can workout the remedy through appropriate proceedings.

5. With the above said liberty, this Criminal Revision Case stands dismissed.

03.02.2023

NCC:Yes/No
Index : Yes / No
Internet : Yes / No
Indu



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G.ILANGO VAN,J.

Indu

To

- 1.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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