



Crl.R.C.(MD) No.291 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.291 of 2023

Ramesh Mani

... Petitioner/Petitioner/Accused

Vs.

**The Sub Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.**

...Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records relating to the order in Crl.M.P.No.1700 of 2023 passed by the Judicial Magistrate No.II, Padmanabapuram dated 28.02.2023 and set aside the same.

For Petitioner : Mr.K.P.Narayanakumar

**For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor**



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ORDER

This Criminal Revision Petition is directed against the order dated 28.02.2023 passed in Crl.M.P.No.1700 of 2023 on the file of the learned Judicial Magistrate No.II, Padmanabapuram.

2. The case of the prosecution is that on 06.01.2023, on a vehicle check up, a two wheeler bearing Registration No.TN-75-AC-6564, driven by the petitioner, was stopped and searched by the respondent police, that they found 2 plastic gunny bags containing tobacco products without any permission or permit and that the petitioner was arrested and the entire tobacco products were seized along the two wheeler by the respondent and cash of Rs.2,97,550/- was recovered from the petitioner. Hence, the respondent registered a case in Crime No.5 of 2023 for the offences under Sections 273 and 328 IPC, Section 24(1) of Cigarette and Other Tobacco Products Acts 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015.



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3. It is seen from the records that while pending investigation, the petitioner has filed a petition for return of cash, which was seized from his possession and the same was dismissed on the ground that the investigation is still pending and the ownership of the cash would come to light only after completion of investigation.

4. The learned counsel appearing for the petitioner would submit that the petitioner, by pledging his jewels, got Rs.3,28,000/- from Ponmanai Thangam Finance Company on 04.01.2023 and the same was meant for his eye surgery and that the respondent police, while searching the house of the petitioner, has seized Rs.2,97,550/-.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that there were totally two accused and that the petitioner is not having any previous cases.

6. Admittedly, the said cash was seized from the petitioner and no other claim was made by the other accused. Further, the learned counsel appearing for



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the petitioner submitted that the petitioner is ready and willing to produce the bank guarantee for release of the cash.

7. In view of the above, the impugned order passed by the learned Judicial Magistrate No.II, Padmanabapuram in Crl.M.P.No.1700 of 2023 dated 28.02.2023 is set aside on a condition that the petitioner shall furnish the bank guarantee for the equal sum. On such production of bank guarantee for the said amount, the Court below is directed to return the case of Rs.2,97,550/- (Rupees Two Lakhs Ninety Seven Thousand and Five Hundred Fifty only) seized from the petitioner.

8. In the result, this Criminal Revision Petition is allowed.

14.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Sub Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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**ORDER MADE IN
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14.03.2023