



Crl.R.C(MD)Nos.31, 32 & 33 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)Nos.31, 32 & 33 of 2019

and

Crl.M.P(MD)Nos.1195 & 1196 of 2019

1.Crl.R.C(MD)No.31 of 2019:-

K.Subramanian

... Revision Petitioner/
Accused No.1/Accused No.1

Vs.

1.M.Anbalagan

... 1st Respondent/
Petitioner/Victim

2.The State of Tamil Nadu,
Represented by the Inspector of Police,
District Crime Branch,
Tirunelveli.
Crime No.26 of 2018.

... 2nd Respondent/
Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.5989 of 2018 on the file of the learned Judicial Magistrate No.1, Tirunelveli, dated 19.11.2018.

For Petitioner : Mr.C.K.M.Appaji

For R – 1 : Mr.R.Anand
for Mr.M.Maharaja

For R – 2 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)



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2.Crl.R.C(MD)No.32 of 2019:-

K.Subramanian

... Revision Petitioner/
Accused No.1/Accused No.1

Vs.

1.R.R.Rajendran

... 1st Respondent/
Petitioner/Victim

2.The State of Tamil Nadu,
Represented by the Inspector of Police,
District Crime Branch,
Tirunelveli.
Crime No.26 of 2018.

... 2nd Respondent/
Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.5990 of 2018 on the file of the learned Judicial Magistrate No.1, Tirunelveli, dated 19.11.2018.

For Petitioner : Mr.C.K.M.Appaji

For R – 1 : Mr.R.J.Karthick

For R – 2 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

3.Crl.R.C(MD)No.33 of 2019:-

K.Subramanian

... Revision Petitioner/
Petitioner/Accused No.1

Vs.



Crl.R.C(MD)Nos.31, 32 & 33 of 2019

The State of Tamil Nadu,
Represented by the Inspector of Police,
District Crime Branch,
Tirunelveli.

Crime No.26 of 2018.

... Respondent/
Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.6857 of 2018 on the file of the learned Judicial Magistrate No.1, Tirunelveli, dated 19.11.2018.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

COMMON ORDER

These revisions have been filed to set aside the orders passed in Crl.M.P.Nos.5989, 5990 and 6857 of 2018 respectively on the file of the learned Judicial Magistrate No.1, Tirunelveli, dated 19.11.2018.

2.In all three revision petitions, the petitioner is an accused in Crime No.26 of 2018 on the file of the respondent Police.



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3.The first respondent in Crl.R.C(MD)Nos.31 and 32 of 2019 are the victims. The victims lodged complaints alleging that the petitioner and others cheated the victims for celebrating the marriage between the victims with one Gayathri, who is one of the accused. The petitioner received huge amounts from the victims through bank transactions on various dates. After registration of F.I.R as against the petitioner and other accused persons for the offences under Sections 406, 417 and 420 of I.P.C., a sum of Rs.63,42,873/- and other assets from the accused persons were recovered and the same was deposited before the Court below in P.R.No.141 of 2018.

4.While pending investigation, the victims filed petitions in Crl.M.P.Nos.5989 and 5990 of 2018 on the file of the learned Judicial Magistrate No.1, Tirunelveli, for the return of cash which was paid by the victims. At the same time, the petitioner also filed a petition in Crl.M.P.No.6857 of 2018 on the file of the learned Judicial Magistrate No.1, Tirunelveli, for the return of cash, claiming that the cash belonged to him. The Court below allowed the petitions filed by the victims in Crl.M.P.Nos.5989 and 5990 of 2018 and dismissed the



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petition filed by the petitioner in Crl.M.P.No.6857 of 2018. Aggrieved by the same, the petitioner preferred these three revisions.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.On perusal of the records revealed that all the transactions are through the bank and the petitioner and other accused persons duly received from the victims and they cheated them. Therefore, the trial Court rightly allowed the petitions filed by the victims and dismissed the petition filed by the first accused, namely the petitioner herein. That apart, now the Investigating Officer completed the investigation and filed a final report and the same has been taken cognizance in C.C.No.310 of 2023 and it is pending on the file of the learned Judicial Magistrate No.1, Tirunelveli. Therefore, this Court finds no infirmity or illegality in the orders passed by the Court below and all the revisions are liable to be dismissed.



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7. Accordingly, these Criminal Revision Cases are dismissed. Consequently, connected Miscellaneous Petitions are closed.

12.06.2023

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

1. The Judicial Magistrate No.1,
Tirunelveli.

2. The Inspector of Police,
District Crime Branch,
Tirunelveli.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
Crl.R.C(MD)Nos.31, 32 & 33 of 2019

12.06.2023