



Crl.R.C.(MD).No.753 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.753 of 2023

Charles

... Petitioner

Vs.

1. State rep. by its
Inspector of Police,
CCD III, Police Station,
Sivagangai.
(Crime No.11 of 2023)

2. Au Small Finance Bank Limited,
rep. by its Manager
CP3 235, Industrial Area,
Apparel Park, Sitapura,
Jaipur, Rajasthan – 302 022
(suo motu impleaded as per the order of
this Court, dated 19.07.2023)

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records relating to the order of the learned Judicial Magistrate No.II, Sivagangai in Crl.M.P.No.5025 of 2023, dated 05.05.2023 filed by the petitioner under Section 451 r/w. 457 Cr.P.C., and set aside the same as illegal and entrust the money to the petitioner.



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For Petitioner : Mr.M. Jegadeesh Pandian

For respondent : Mr. P.Kottaichamy

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been file to quash the impugned order, dated 05.05.2023 passed by the learned Judicial Magistrate No.II, Sivagangai in Crl.M.P.No.5025 of 2023.

2. The petitioner is the defacto complainant in Crime No.11 of 2023. According to the petitioner, some amount was fraudulently transferred to his account from account No.2221213642325060, AU Small Finance Bank Limited. The Investigating Officer made a request to the Bank to get the account details. On the basis of the report, it is represented by the learned Government Advocate (Crl. Side) that now the petitioner's account was freezed. In the said circumstances, the petitioner filed Crl.M.P.No.5025 of 2023 to return the amount of Rs.88,000/- and the same was dismissed by the learned Trial Judge. Aggrieved over the same, he has filed the present revision.



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3. The learned Government Advocate (Crl. Side) on instructions would submit that after registration of the case, the Investigating Officer made a request to the concerned Bank viz., AU Small Finance Bank Limited. The said Bank authorities freezed the said account. According to the Government Advocate apart from that amount, remaining amount also there that also seems to be fraudulently collected by the account holder.

4. In view of the said submission made by the learned Government Advocate (Crl. Side) in the interest of justice, this Court suo motu implead the Manager, Au Small Finance Bank Limited, CP3 235, Industrial Area, Apparel Park, Sitapura, Jaipur, Rajasthan – 302 022 as a 2nd respondent in this Criminal Revision.

5. Considering the facts and circumstances, this Court allowed the revision with the following conditions:

i) The order, dated 05.05.2023 made in Crl.M.P.No.5025 of 2023 on the file of the learned Judicial Magistrate No.II, Sivagangai is hereby set aside.



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ii) The second respondent is directed to transmit the amount of Rs.88,000/- to the petitioner's account Bank A/c.50100420262862, HDFC Bank, Manamadurai, Sivagangai District, Tamil Nadu.

iii) In the meanwhile, the petitioner is directed to execute the surety to the value of Rs.88,000/- to the satisfaction of the Court concerned.

19.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp

1. The learned Judicial Magistrate No.III, Sivagangai

2. The Inspector of Police,
CCD III, Police Station,
Sivagangai.
(Crime No.11 of 2023)

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN. J.,

trp

Order made in
CrI.R.C(MD).No.753 of 2023

Dated : 19.07.2023