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Crl.R.C.No.219 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 30.07.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.R.C.No.219 of 2024**

Motoor Mohammed Muzammil

... Petitioner

Vs.

The Inspector of Police,  
Cyber Crime Police Station,  
Tirupattur District.

... Respondent

**PRAYER :** Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C., to set aside the order in Crl.M.P.No.7579 of 2023 in Crime No.1 of 2023, dated 10.11.2023 passed by the learned Judicial Magistrate, Vanniyambadi.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl.Side)

**ORDER**



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The criminal revision is filed, challenging the order, dated 10.11.2023 passed in Crl.M.P.No.7579 of 2023 in Crime No.1 of 2023 by the learned Judicial Magistrate, Vaaniyambadi.

2. It is the case of the petitioner that the petitioner has lost a sum of Rs.5,20,444/- through the Telegram App and lodged a complaint before the respondent on 21.02.2023, pursuant to which, the respondent registered a case against the unknown persons in Crime No.01 of 2023 for the offences u/s.420 of IPC and Section 66D of the Information Technology Act, 2008. The petitioner has transferred several amounts to several bank accounts on various dates and also the petitioner has instructed his friends to transfer amounts to various bank accounts on various dates. Thereafter, the bank account was freezed by the respondent. In order to retrieve the money, the petitioner has filed a petition under Sections 451 and 457 of Cr.P.C. before the learned Judicial Magistrate, Vaniyambadi in Crl.M.P.No.7579 of 2023 seeking a direction to refund the money paid by the petitioner to his bank account, and the same was subsequently dismissed vide order dated



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10.11.2023 on the ground that the respondent Police has not identified the account holders of the frozen accounts and also not submitted any account details with respect to persons, who have transferred amounts to the said accounts. Challenging the same, the present revision petition has been filed.

3. The learned Government Advocate appearing for the respondent has filed a report dated 23.02.2024 stating that the petitioner has transferred a sum of Rs.5,20,444/- to several bank accounts and a sum of Rs.6,29,899/- is frozen from the accounts. For example, the petitioner has transferred a sum of Rs.10,000/- to the Bank Account No.922010053576477 and a sum of Rs.22,047/- was frozen. Since a sum of Rs.10,000/- only belongs to the petitioner, he cannot claim the balance amount of Rs.12,047/-. Likewise, the petitioner cannot claim a sum of Rs.87,362/- from the Account No.9222020064923234 and a sum of Rs.2,87,205/- from Account No.001105037085. The said amounts lying in the accounts belonged to the account holders and the said amounts cannot be considered as illegal amounts without arresting the account holders. However, the petitioner



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cannot claim the amounts which he has not transferred to the frozen accounts and he can claim only a sum of Rs.2,43,285/- from the frozen accounts, which is the amount which he has transferred.

4. The learned counsel appearing for the petitioner has no objection for receiving a sum of Rs.2,43,285/- and also conceded the submissions made by the learned Government Advocate.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. As per report dated 23.02.2024, four accounts have been frozen by the respondent and the amount to the extent of Rs.6,29,899/- is lying in the said accounts, of which, the petitioner can only claim a sum of Rs.2,43,285/-.



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7. In view of the above, this Court is inclined to set aside the order dated 10.11.2023 passed in Crl.M.P.No.7579 of 2023 in Crime No.01 of 2023 by the learned Judicial Magistrate, Vaniyambadi, and accordingly, it is set aside with the following directions:

(i) the petitioner is directed to file appropriate petition before the trial Court for deposit of the amount lying in the four accounts viz. Account No.922010053576477, Account No.922020064923234, Account No.082889400000719 and Account No.001105037085 to the credit of Crime No.1 of 2023;

(ii) on deposit of the amount lying in the aforementioned four accounts to the credit of Crime No.1 of 2023, the trial Court is directed to refund a sum of Rs.2,43,285/- (Rupees Two Lakhs Forty Three Thousand Two Hundred and Eighty Five only) to the petitioner under due acknowledgment which is towards a portion of the amount paid by the petitioner.



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8. Accordingly, this Criminal Revision is allowed with the aforesaid directions.

**30.07.2024**

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

1. The Inspector of Police,  
Cyber Crime Police Station,  
Tirupattur District.
2. The learned Judicial Magistrate,  
Vanniyambadi.



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**M.DHANDAPANI, J.**

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