



CrI.R.C.No.544 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.544 of 2024

1.Sakthivel
2.Periyasamy

... Petitioners

Vs.

The State of Tamil Nadu, rep. by its,
Inspector of Police,
Egmore Police Station,
Chennai.
[Crime No.390/2023]

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the impugned order passed in Cr.M.P.No.2089 of 2024 dated 12.01.2024 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai to that effect of suspending the operation of order passed under Section 451 Cr.P.C.

For Petitioners : Mr.C.S.S.Pillai
for Mr.E.C.Ramesh

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

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This Criminal Revision Case has been filed to set aside the impugned order passed in Cr.M.P.No.2089 of 2024 dated 12.01.2024 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai.

2.The contention of the learned counsel for the petitioners is that on the complaint of the first petitioner/defacto complainant, a case in Crime No.390 of 2023 for the offence under Section 395 IPC registered on 09.10.2023. The case is that a sum of Rs.30 lakhs was snatched from the first petitioner and taken away by three persons in a motor bike near St.Andrew Church, Egmore and the persons are identifiable. The first petitioner is employed in P.K.S. Mobile Communication and his boss Periyasamy/second petitioner, who is dealing in the money deposit business entrusted cash to the petitioner. During investigation, Rs.16,70,000/- was recovered. The petitioners, who were answerable to their clients who entrusted cash to them to deposit, filed a return of property petition under Section 451 Cr.P.C. in Crl.M.P.No.48538 of 2023 before the learned XIV Metropolitan Magistrate, Egmore, Chennai. The respondent police had also



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given no objection for handing over of recovered amount of Rs.16,70,000/- to the petitioners. But the Trial Court by order dated 30.11.2023 dismissed the said petitioner for the reason that the petitioner had not produced the bank statements, income tax returns and other details. Again, the petitioners filed another petition in Crl.M.P.No.2094 of 2024 seeking return of the amount recovered. The Trial Court by order dated 12.01.2024 dismissed the said petition. According to the petitioners, it is not even the case of the respondent police that money does not belong to the petitioners nor there is any rival claim for the amount recovered. In such circumstances, the Trial Court on its own seeking production of bank statement and income tax returns is not required which is beyond the scope of the case.

3.The learned Additional Public Prosecutor submits that in this case during investigation, one Vijaayababu was arrested from whom Rs.7 lakhs was recovered. He would further submit that Rs.6 lakhs from Pradeep Kumar/A3, Rs.2,50,000/- from Elangovan/A5, Rs.20,000/- from Bharath/A10, Rs.50,000/- from A13/Elumalai and Rs.50,000/- from Rajesh/A14 recovered, in total Rs.16,70,000/- was recovered and produced



before the Trial Court which is a case property and the investigation is in progress. He would submit that so far 14 accused arrested, recoveries made and there are two more accused who are absconding and yet to be arrested. He further submitted that steps were taken to arrest and as regards the amount of Rs.16,70,000/-, it belongs to the petitioners and the respondent Police have no objection to hand over the money to the petitioners but their only apprehension is that the details of the amount to be properly recorded and photos to be retained as document so that it does not impair the investigation and trial. He would further submit that A1 and A2 in this case were detained under the Goondas Act.

4.Considering the submissions made and on perusal of the materials, it is seen that a sum of Rs.30,00,000/- was snatched from the shoulder bag of the first petitioner, of which, Rs.16,70,000/- has been so far recovered. In this case, so far 14 accused arrested and two more accused are yet to be arrested. The case of the petitioners is that they were the collection agents, used to collect money from various customers and deposit the same. The petitioners are answerable to their clients. The respondent police have no



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objection to hand over the money recovered to the petitioners and objections raised by the Trial Court is not proper as there is no rival claim. In view of the same, the Trial Court is directed to return the amount recovered i.e., Rs.16,70,000/-, to the petitioner and prior to it, detailed mahazar giving particulars and details of the amount to be drawn in the presence of the Magistrate.

5.Accordingly, the Criminal Revision Petition stands allowed.

26.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

cse

To

- 1.The XIV Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
Egmore Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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