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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM:

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

Crl.R.C.No.586 of 2024

P.Purushothaman

... Petitioner

Vs.

The Inspector of Police,
Cyber Crime Police Station,
Kancheepuram,
Cr.No.8/2023

... Respondent

Prayer: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C, to call for the records and set aside the order passed in Crl.MP.No.1324 of 2023 on the file of the learned Judicial Magistrate-I, Kancheepuram, Kancheepuram District dated 20.02.2024 in Cr.No.8/2023 on the file of the respondent and direct the respondent to hand over the interim custody of the available frozen amount in different account and different numbers i.e. Rs.22,20,953/- (Rupees Twenty Two Lakhs Twenty thousand nine hundred and fifty three only) and transfer the same to the petitioner ICICI Bank, Saving Account No.103901511697, Madipakkam Branch till the disposal of the case by allowing this revision.

For Petitioner

: Mr.Swamisubramanian

For Respondent

: Mr.A.Gopinath

Government Advocate (Crl. Side)



ORDER

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This petition has been filed seeking to quash the order passed in CrI.MP.No.1324 of 2023 on the file of the learned Judicial Magistrate-I, Kancheepuram, Kancheepuram District dated 20.02.2024 in Cr.No.8/2023 on the file of the respondent and direct the respondent to hand over the interim custody of the available freezed amount in different account and different numbers i.e. Rs.22,20,953/- (Rupees Twenty Two Lakhs Twenty thousand nine hundred and fifty three only) and transfer the same to the petitioner ICICI Bank, Saving Account No.103901511697, Madipakkam Branch.

2. The facts of the case are as follows:

The petitioner is working in private organisation and he has registered with Naukri and linked in for obtaining job. On 19.02.2023 at about 03.51 PM through Telegram App the petitioner received a message from one Seeta Singh stating that if the petitioner give star rating to the new films they will give commission between Rs.2000/- and Rs.5000/- per day. Believing the same, on 20.02.2023, the petitioner registered the account by using his mobile number. On the next day, when the petitioner tried to give star rating, he unable to do the same. When the petitioner tried to contact the customer care, the said Seeta



Singh messaged through Telegram App and informed to pay initial amount of Rs.10500/- for providing a link. Likewise, on various occasion, at the instigation of the said Seeta Singh, the petitioner has deposited a sum of Rs.22,20,953/- through RTGS. Thereafter, the petitioner came to know that he was cheated by the said women. Therefore, he lodged a complaint before the respondent police and registered a case. The respondent police thereafter, freezed the account of the accused and filed charge sheet. During pendency of case, the petitioner filed a petition under Section 451 & 457 of Cr.P.C. For the interim custody of the money which has been freezed by the respondent police and the same was dismissed. Aggrieved over the same, the present revision has been filed.

3. The learned counsel for the petitioner submitted that this court may issue a direction to the trial Court to disburse the available amount in the account of the accused.

4. The learned Government Advocate submitted that all over India, there are 651 FIR's were registered for online money fraud. The amount transferred by the petitioner to the accused is available for a sum of Rs.58,890/- only.



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5. Heard the learned counsel for the petitioner and the Government Advocate and perused the materials available on record.

6. The learned Government Advocate has fairly submitted that Rs.58,890/- is available in the account of the accused. Hence, this Court directs the *trial court to disburse a sum of Rs.58,890/- (Rupees Fifty eight thousand and eight hundred and ninety only) to the petitioner as expeditiously as possible. The petitioner shall produce the relevant documents before the trial Court.*

8. With the above direction, the revision is disposed of. If the respondent police recovers money involved in this case in future, the petitioner is at liberty to file a petition for interim custody.

01.08.2024

Index:Yes/No
Speaking/Non speaking order
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To

1. The Inspector of Police,
Cyber Crime Police Station,
Kancheepuram.
2. The Judicial Magistrate-I, Kancheepuram,
Kancheepuram District.
3. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI.J.

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