



WEB COPY



Crl.R.C.No.1167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.1167 of 2024

E.Venkatesh

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Steel Plant Police Station,
Salem City.
(Crime No.603 of 2023)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to call for the records in Cr.M.P.No.4225 of 2023 dated 24.01.2024 on the file of the learned Judicial Magistrate No.I at salem and set aside the same.

For Petitioner : Mr.C.Iyyapa Raj

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

ORDER

The present revision is filed by the petitioner against the order dated 24.01.2024 of the learned Judicial Magistrate No.I, Salem in Cr.M.P.No.4225 of 2023, in and by which the prayer of the petitioner



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seeking interim custody of the case property viz., Rs.42,00,000/- is

rejected by the learned Magistrate.

2. The case of the petitioner is that, he is running a business in the name and style of Skywin resource and doing flower seeds business and sending the same to States in North India. Whiles, on 23.09.2023, at about 05.00 a.m, his friends namely Kumar, Veerasamy, Vinithkumar, Mohan, Pradheeswaran and Muthumani have induced the petitioner stating that if he give new currency, he can get it back with an interest of 33%. On believing their words, on 26.09.2023, at about 4.00 a.m., the petitioner had taken Rs.50,00,000/- and proceeded to Salem and near Kondalampatty bypass road accused persons waylaid the petitioner by projecting themselves as police and grabbed Rs.50,00,000/- from the petitioner. Thereby, he made a complaint before the law enforcing agency and the law enforcing agency registered a case in Crime No.603 of 2023 u/s 120 (b), 419, 420 IPC on 26.09.2023 and arrested the accused and recovered the entire amount to the tune of Rs.50,00,000/-. Thereafter, the petitioner had filed a petition u/s 451 of Cr.P.C in CrI.M.P.No.1938 of 2023 before the learned Judicial Magistrate No.I, Salem, seeking interim custody of Rs.42,00,000/-. However, the trial court had dismissed the



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petition vide impugned order dated 24.01.2024. Challenging the same, the present revision has been filed by the petitioner.

3. Learned counsel appearing for the petitioner submitted that the petitioner is the owner of the amount, which was recovered from the accused persons. In order to prove the same, the petitioner filed income tax returns before the trial court, however, the trial court disbelieving the facts, had arrived at a conclusion that some other also claimed possession of portion of the recovered amount and dismissed the petition filed by the petitioner, which is wholly unsustainable. Hence, the learned counsel, on instructions submitted that, the petitioner is ready to abide any condition imposed by this court, thus, he prays for return of money.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation is in the initial stage and after completion of investigation, final report will be filed. If the final report reveals that the seized money belongs to the petitioner, the petitioner has to workout his remedy in the manner known to law. Before filing of final report, filing a petition before the trial court seeking interim custody of money is wholly unsustainable, thereby, the trial court



dismissed the same vide impugned order, which does not require any interference. Accordingly, he prays for dismissal of the revision.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police and also perused the materials available on record.

6. A perusal of the impugned order shows that, it is claimed by the petitioner that, on 26.09.2023, at about 4.00 a.m., the petitioner had taken Rs.50,00,000/- in cash and proceeded to Salem and near Kondalampatty bypass road, accused persons waylaid the petitioner by projecting themselves as police and grabbed Rs.50,00,000/- from the petitioner. Thereby, he made a complaint before the law enforcing agency and a case has been registered by the law enforcing agency and arrested the accused and recovered the entire amount to the tune of Rs.50,00,000/- . Thereafter, the petitioner filed a petition seeking interim custody of the money of Rs.42,00,000/- before the trial court in Cr.M.P.No.4225 of 2023. Apart from the petition filed by the petitioner, one of the accused namely Kovilpichai has also filed a petition seeking interim custody of Rs.8,00,000/- claiming that the said amount belongs to him, which was



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dismissed by the trial court. Both the petitioner as well as the said Kovilpichai have claimed ownership over the seized money and there is an existence of rival claim and dispute over the ownership of the money and the ownership of the money can be found only after the investigation is completed, thereby the trial court had dismissed the petition filed by the petitioner on 24.01.2024, which cannot be said to be perverse, arbitrary or unreasonable. Therefore, this Court is not inclined to interfere with the impugned order passed by the trial court.

7. Accordingly, the Criminal Revision Case is dismissed. However, the trial court is directed to deposit the entire seized money in an interest bearing fixed deposit in anyone of the Nationalized Banks, if not, already deposited. Further, after filing of final report, the petitioner is at liberty to workout his remedy in the manner known to law.

09.07.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

M.DHANDAPANI, J.



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WEB COPY To

- 1.The Judicial Magistrate No.I,
Salem.
- 2.The Inspector of Police,
Steel Plant Police Station,
Salem City.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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