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Crl.RC.No.1032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2024

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

Crl.RC.No.1032 of 2024

Paramasivam

...Petitioner

Vs.

State rep.by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.
(Crime No.518/2023)

...Respondents

PRAYER: Criminal Revision case filed under Section 397 r/w.401 of Code of Criminal Procedure pleaded to set aside the order passed in Crl.M.P.No.52495 of 2023 dated 22.01.2024 by the learned X Metropolitan Magistrate, Egmore, Chennai – 8, with regard to return of cash of Rs.2,71,000/- and to defreeze the petitioner current account in union Bank, Moolakadai Branch and permit him to operate his account.

For Petitioner : Mr.P.Arumugavel

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



Crl.RC.No.1032 of 2024

ORDER

This Criminal Revision petition has been filed against the order passed in Crl.M.P.No.52495 of 2023 dated 22.01.2024 by the learned X Metropolitan Magistrate, Egmore, Chennai – 8, with regard to return of cash of Rs.2,71,000/- and to defreeze the petitioner's current Bank account and to permit him to operate his account.

2. It is the case of the petitioner that he was arrested for the offences u/s.6(a), 24(i) of Cigarette and Other Tobacco Products Acts 2003 and u/s.77 of the Juvenile Justice (Care and Protection of Children) Act. Thereby, the respondent Police seized a sum of Rs.2,71,000/-, mobile phone viz., model name POCO M4 Pro 5G(Cool Blue, 128 GB). Subsequently, without the knowledge of the petitioner, the respondent freezed his current account. Seeking to defreeze his account, mobile phone and cash, the petitioner filed an application in Crl.M.P.No.52495 of 2023 before the trial Court and the same was partly allowed by granting interim custody to the petitioner with respect to his mobile phone, however, in respect of the defreezing of the bank account and seizure of cash, no relief has been granted. Hence, the petitioner is in this Criminal Revision Petition.



Crl.RC.No.1032 of 2024

WEB COPY

3. The learned counsel for the petitioner submits that even after a lapse of 8 months, the respondent Police has not filed any charge sheet with regard to the above said offence implicated on the petitioner. Therefore, seizure of bank account and cash would not serve any purpose and it will cause great prejudice to the petitioner. He further submits that the petitioner is ready to abide any conditions imposed by this Court.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner was arrested on the ground that himself along with other persons were selling prohibited Tobacco products to minor children and were in possession of 234 Kgs of prohibited Gutka products. Since the offence is heinous in nature and all the aspects have been rightly considered by the court below and, therefore, no interference is warranted.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.



Crl.RC.No.1032 of 2024

6. A perusal of the order passed by the court below reveals that the allegation against the petitioner is of serious in nature and the same has to be tested at the time of trial. Though the petitioner filed a petition seeking return of property, however, the seriousness of the allegation and the nature and gravity of the offence alleged to have been committed by the petitioner had resulted in the court below rejecting the claim for recovery of cash and for defreezing his Bank Account, which is based on cogent and convincing reasoning and the same does not require any interference at the hands of this Court.

7. With the above observation, this Criminal Revision Petition is dismissed.

20.06.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No



Crl.RC.No.1032 of 2024

To

WEB COPY

1. X Metropolitan Magistrate, Egmore, Chennai – 8
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.
3. The Public Prosecutor,
Madras High Court,



WEB COPY



Crl.RC.No.1032 of 2024

M.DHANDAPANI, J.

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Crl.RC.No.1032 of 2024

20.06.2024