



Crl.RC.No.1245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM:

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

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K.Chander

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
CCB-1, Tambaram,
Police Commissionerate,
Tambaram City.

...Respondent

Petition filed under Section 397 and 401 of Cr.P.C. to call for the entire records pertaining to the order passed in CMP.No.4362 of 2023 by the Hon'ble Judicial Magistrate No-I, Alandur dated 12.02.2024, set aside the same and allow the petition.

For Petitioner : Mr.J.P.Rajesh

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



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ORDER

WEB COPY This Criminal Revision case has been filed seeking quashment of the order of the Judicial Magistrate No-I, Alandur dated 12.02.2024 made in CMP.No.4362 of 2023.

2. The case of the petitioner is that, he is doing online trading business for the past few years. While so, on 13.04.2023, the petitioner came in contact with Viacom, a digital marketing company through Telegram App and started doing business with them and he invested a huge amount by availing personal loan from various bands and did trading with the said company. In such circumstances, the said Viacom failed to refund the investments and profits to the tune of Rs.1,42,00,000/-(Rupees One Crore and Forty Two lakhs) to the petitioner. Thereby, the petitioner made a complaint against the said Company before the respondent and the same was registered in Cr.No.10 of 2023 for the offences u/s 420 IPC r/w 66D of the Information Technology Act and subsequently, the accounts of the accused company were freezed in order to prevent them from indulging in similar offence in future. Thereafter, the petitioner made a petition under



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Section 451 of Cr.P.C. in CMP.No.4362 of 2023 seeking return of property i.e, amount to the tune of Rs.1,42,00,000/- invested by him. However, the trial court without considering the above said facts, had mechanically dismissed the said petition, vide order impugned. Challenging the same, the petitioner has come up with this revision.

3. Learned counsel for the petitioner submitted that, admittedly the petitioner is the only victim who gave complaint against the accused company, pursuant to which, the law enforcing agency freezed the bank accounts of the accused company and whatever amount is lying in the accused's bank account belongs to the petitioner. Thereby, the petitioner filed a petition u/s 451 of Cr.P.C. seeking to revert back the amount of Rs.1,42,00,000/- to the petitioner's bank account. However, the trial court had mechanically dismissed the said petition, which is not sustainable. Accordingly, he prayed for appropriate orders.

4. Learned Government Advocate (Crl. Side) appearing on behalf of the respondent submitted that, there took place thirty nine transactions in



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between the petitioner and the accused and the total amount transferred by the petitioner to the accused's account amounts to Rs.1,38,84,794/-.

However, the total amount available in the accused's freezed bank accounts is only Rs.44,05,740/- and he has no objection for transferring the said amount to the petitioner's bank.

5. This Court gave its careful consideration to the submissions advanced by the learned counsel on either side and perused the materials available on record.

6. Admittedly, the petitioner is the sole complainant who gave complaint against the accused company and it is equally not in dispute that, a sum of Rs.44,05,740/- is lying in the accused's freezed bank account, seeking return of which, the petitioner filed a petition u/s 451 of Cr.P.C, which came to be dismissed, vide impugned order and the said fact was also admitted by the learned Government Advocate (Crl. Side) and has expressed his consent for returning the said amount back to the petitioner under due acknowledgment, pending trial.



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7. In view of the above, the impugned order dated 12.02.2024 made in

CMP.No.4362 of 2023 is set aside and the trial court shall take appropriate steps for transferring the sum of Rs.44,05,740/- lying in the accused's freezed bank accounts to the petitioner's bank account, after obtaining appropriate undertaking affidavit, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, this Criminal Revision Case stands allowed.

01.08.2024

skt

Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

To

1. The Judicial Magistrate No-I,
Alandur.

2. The Inspector of Police,
CCB-1, Tambaram,
Police Commissionerate,
Tambaram City.

3. The Public Prosecutor, High Court of Madras.

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M.DHANDAPANI, J.

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