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CrI.R.C.No.1617 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

C O R A M

THE HONOURABLE Mr.JUSTICE **SUNDER MOHAN**

CrI.R.C.No.1617 of 2023

V.Prasanna

...

Petitioner

Vs

The State represented by
Deputy Superintendent of Police,
Economic Offences Wing (EOW)
Police Training College,
Ashok Nagar, Chennai – 600 083.

...

Respondent

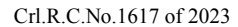
PRAYER: Criminal Revision Case filed under Sections 397 & 401 of Cr.P.C. praying to allow this petition and set aside the order dated 20.07.2023 passed in CrI.M.P.No.4944 of 2022 on the file of learned Special Judge, Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai.

For petitioner ... Mr.V.Manoharan

For respondent ... Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The revision has been filed challenging the dismissal of the petitioner's application filed under Sections 451 and 457 of Cr.P.C. seeking return of the cash seized from the petitioner during the course of investigation in Crime No.16 of 2022.





investigation is pending and there is evidence to show that the money seized from the petitioner is unaccounted, the cash may not be returned at this stage and sought for dismissal of the revision.

6. Admittedly, the petitioner is not an accused in the case. The cash was seized from the petitioner on 05.08.2022. Except for the statement made by A20, there is no other evidence to show that the money seized from the petitioner were the deposits collected from the general public. The cash was also not seized pursuant to the confession of an accused and therefore not a discovery of a fact to make it admissible under Section 27 of the Indian Evidence Act. In such circumstances, the cash, which is under seizure for more than two years, cannot be held in custody for an indefinite period. Hence, this Court is of the view that cash can be returned to the petitioner on stringent conditions subject to the outcome of the further investigation and the trial.

7. Therefore, the impugned order dated 20.07.2023 in Crl.M.P.No.4944 of 2022 on the file of learned Special Judge, Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai, is set aside and the Criminal Revision Case stands allowed on



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the following terms:

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(i) The petitioner shall execute a personal bond for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) with two sureties for the likesum to the satisfaction of the learned Special Judge, Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai;

(ii) The petitioner shall return a sum of Rs.27,47,500/- as and when required by the trial Court either during the course of further investigation or during the course of trial and the petitioner shall also file an affidavit of undertaking that he would return the sum of Rs.27,47,500/- as and when required by the learned Special Judge.

19.12.2024

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

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- 1.The Special Judge,
Special Court under the Tamil Nadu Protection of Interest of
Depositors (in Financial Establishment) Act, 1997,
Chennai.
- 2.The Deputy Superintendent of Police,
Economic Offences Wing (EOW)
Police Training College,
Ashok Nagar, Chennai – 600 083.
- 3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J

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19.12.2024