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Crl.R.C.No.1835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1835 of 2024

V.Saudal Hasan

... Petitioner/Accused

Vs.

State rep by Inspector of Police,
Cyber Crime Police Station,
Tirupattur District.
(Cr.No.11 of 2023)

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 read with section 401 of Code of Criminal Procedure, praying to set aside the order passed in Crl.M.P.No.7645 of 2023 dated 10.11.2023 on the file of the learned Judicial Magistrate, Vaniyambadi, Tirupathur District.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner is the defacto complainant in crime No.11 of 2023 registered for the offence under Section 420 IPC read with section 66D Information Technology Act.



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2. It is the case of the petitioner that he held an account in a bank; that he was doing hotel reservation online through a website; that he had earned some commissions; that on the representation made online that if he invests money, he would get the returns of double the invested amount, he invested totally a sum of Rs.21,48,640/- and transferred the said amount to various companies as instructed; that when he sought for returns, the accused gave evasive answers; and that he therefore lodged a complaint on 31.07.2023 and an FIR was registered in Cr.No.11 of 2023.

3. The petitioner came to know that during the course of investigation the respondent had frozen the accounts of certain persons accused of commission of the offence and therefore, filed a petition seeking the interim custody of the amount frozen during the course of investigation.

4. The respondent had filed a counter expressing no objection for returning a sum of Rs.5,80,451/- from the accounts frozen by them to the petitioner.



5. However, the learned Magistrate had observed that since the investigation is still at the preliminary stage, it cannot be concluded that the amounts frozen have any connection with the offences alleged by the petitioner and therefore, dismissed the said petition.

6. The learned counsel for the petitioner would submit that even according to the respondent, the petitioner's amount of Rs.5,80,451/- has been transferred to the account of suspects and that since the respondent had no objection for transfer of the said money to the petitioner, the learned Magistrate ought not to have dismissed the petition.

7. The learned Government Advocate (Crl.Side) appearing for the respondent on instructions would submit that there is no objection for return of Rs.5,80,451/- since, the said amount belongs to the petitioner and filed a counter and additional counter to that effect.

8. In the counter filed by the respondent it is stated as follows:-

5. It is submitted that during the course of investigation, the then Inspector of Police have received a freeze intimate statements from the concern bank nodal officer regarding the above said matter.



Sl. No.	Date	Account Number	Lost Amount	Freeze Amount	Possible Refund stated by bank
1.	24.07.2023	023763300011113	Rs.50,000/-	Rs.1,40,671/-	Rs.99,112/-
2.	24.07.2023	023763300011113	Rs.49,112/-		
3.	24.07.2023	0440102100000776	Rs.48,175/-	Nil	Nil
4.	24.07.2023	921010054756424	Rs.2,00,000/-	Rs.60,591/-	Rs.60,591/-
5.	25.07.2023	7174002100003614	Rs.1,00,000/-	Rs.1,73,858/-	Rs.1,00,000/-
6.	25.07.2023	243005501070	Rs.6,80,463/-	Rs.18,947/-	Rs.18,947/-
7.	25.07.2023	682905601416	Rs.1,98,870/-	Rs.5,21,178/-	Rs.1,98,870/-
8.	27.07.2023	779605000121	Rs.8,02,020/-	Rs.1,02,941/-	Rs.1,02,941/-
			Rs.21,28,640/-	Rs.10,18,186/-	Rs.5,80,461/-

9. The relevant averments in the additional counter reads as follows:

“5(v). The amount lost by the petitioner Rs.21,28,640/- freezed amount Rs.10,18,186/- and possibility of return Rs.5,80,461/-.”

10. From the above, it is clear that the accounts of the suspects frozen by the respondent during investigation include the amount lost by the petitioner. It is also seen that in those accounts apart from the money of the petitioner, there were other deposits as well. Hence, the respondent has no objection for return of Rs.5,80,461/- as stated above in the tabular column.

11. In view of the submission made by the respondent, this Court is inclined to return the sum of Rs.5,80,461/- lying in the above referred frozen



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accounts. Hence, the said amount can be transferred to the account of the petitioner on the following conditions:-

(i) The petitioner shall execute a personal bond for a sum Rs.1,00,000/- (Rupees one lakh only) with two sureties for the likesum to the satisfaction of the learned Judicial Magistrate, Vaniyambadi, Tirupathur District and the return of the money can be subject to the out come of the Trial.

(ii) The petitioner shall also file an affidavit of undertaking that he would return the money as and when required by the learned Judicial Magistrate, Vaniyambadi, Tirupathur District.

12. In view of the above, this Criminal Revision Petition stands allowed.

16.12.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

Issue order copy by 07.01.2025

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SUNDER MOHAN, J.

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To

1. The learned Judicial Magistrate,
Vaniyambadi, Tirupathur District
2. The Inspector of Police,
Cyber Crime Police Station,
Tirupattur District.
3. The Public Prosecutor,
High Court, Madras.

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