



*Crl.R.C. No. 2370 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2024

CORAM

**THE HONOURABLE MR .JUSTICE SUNDER MOHAN**

CRL.R.C. No. 2370 of 2024

Satyanarayana Donga

..Petitioner

Vs.

State rep. by  
The Inspector of Police,  
Palavanthangal Police Station,  
Chennai.  
(Crime No. 31/2023)

..Respondent

Prayer: Criminal Revision under Section 438 r/w 442 BNSS to set aside  
the order dated 13.03.2023 passed in CrI.M.P. No. 917 of 2023 by the  
learned Judicial Magistrate No.I, Alandur.

For Petitioner :: Mr.N. Kesavaraj

For Respondent :: Dr.C.E. Pratap  
Govt.Advocate (Crl.Side)



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## ORDER

**WEB COPY** The criminal revision petition challenges the dismissal of the petitioner's application for return of cash to the tune of Rs.45,697.50/-.

2. The petitioner, who is a victim of on-line fraud, had lodged a complaint in Crime No. 31 of 2023. During the course of investigation, the respondent found out the suspect account and had frozen the account. Thereafter, the petitioner filed Crl.M.P. No. 917 of 2023 seeking return of cash and the same was dismissed by the Trial Court on the ground that the respondent Police did not inform about the freezing of the account to the Court and therefore, the Court has no power to order return of the amount.

3. Learned counsel for the petitioner would submit that admittedly, the amount frozen in the suspect account belongs to the petitioner; that therefore, the same may be returned to him and that the petitioner would abide by any stringent condition imposed.

4. Learned Government Advocate (Crl.Side), on instructions, would submit that the investigation revealed that pursuant to an online fraud, a sum of Rs. 45,697.50/- was transferred from the petitioner's account to the suspect account; during the course of investigation, the said account was



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frozen and the respondent has no objection for return of the said amount.

WEB COPY

5. In the light of the fact that the offence alleged could be proved through documents, this Court is of the view that since the amount lying in the suspect account belongs to the petitioner, the same can be returned to the petitioner.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 13.03.2023 passed by the learned Judicial Magistrate No.I, Alandur, in Crl.M.P.No.917 of 2023 in Crime No.31 of 2023 is set aside. The respondent is directed to return the cash of Rs. 45697.50/- to the petitioner subject to the following conditions:

- (i) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Alandur;*
- (ii) The petitioner shall file an affidavit of undertaking stating that he would return the cash as and when required by the Trial Court and*

**SUNDER MOHAN,J.**

nv



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*(iii)The return of cash would be subject to the outcome of  
the trial.*

21.12.2024

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

To

1. The Judicial Magistrate Court No.I,  
Alandur.
2. The Inspector of Police,  
Palavanthangal Police Station,  
Chennai.
3. The Public Prosecutor,  
High Court, Madras.

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