



WEB COPY



Crl.RC.No.2229 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2024

CORAM:

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

Crl.RC.No.2229 of 2023

Ameer

...Petitioner

Vs.

The State:

Represented by the Inspector of Police,
Gudalur Police Station, Nilgiris.
(Crime No.377/2023)

...Respondent

Criminal Revision case filed under Section 397 & 401 of Cr.P.C. to call for the records and set aside the order dated 20.10.2023 in Crl.MP.No.5963 of 2023 in Crime No.377 of 2023 on the file of the learned Judicial Magistrate, Gudalur and consequently, direct the return of the sum of Rs.60,050/- in case to the petitioner pending trial.

For Petitioner : Mr.K.F.Manavalan

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



Crl.RC.No.2229 of 2023

WEB COPY

ORDER

This Criminal Revision petition has been filed against the order passed in Crl.MP.No.5963 of 2023 dated 20.10.2023 by the learned Judicial Magistrate, Gudalur and for a consequential direction to return the sum of Rs.60,050/- in cash to the petitioner.

2. It is the case of the petitioner that he was implicated for the alleged offence punishable u/s. 328 of IPC and Section 7 r/w 9(ii) of the Tamil Nadu Prohibition of Smoking and Spitting Act, 2002 in Cr.No.119 of 2022 and the respondent had seized the properties belonging to the petitioner such as two Oppo Mobile Phones and a cash of Rs.60,050/-. Thereby, the petitioner filed a petition under Section 451 of Cr.P.C. in Crl.MP.No.5963 of 2023 before the trial Court, seeking interim custody of the above said case properties and the same was allowed in part granting interim custody of the mobile phones in favour of the petitioner and refused for grant of interim custody of the cash. Challenging the same, the petitioner has come up with this Criminal Revision Petition.



Crl.RC.No.2229 of 2023

3. Learned counsel for the petitioner submitted that the cash amount of Rs.60,050/- seized from the petitioner is in no way connected to the crime and the same was borrowed by the petitioner from a private financier to meet out his urgent needs and the seizure of the said cash would not serve any purpose and it will cause great prejudice to the petitioner. He further submitted that the petitioner is ready to abide any conditions imposed by this Court.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the cash amount of Rs.60,050/- seized from the petitioner is derived from selling banned products and if the same was returned to the petitioner, he will not produce the same at the time of trial. Therefore, the trial court, after carefully considering the aspects had rightly dismissed the petitioner's interim custody petition in respect of cash amount of Rs.60,050/- and the same does not warrant interference of this Court.

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



WEB COPY

6. A perusal of the materials placed on record particularly the impugned order passed by the court below reveals that even though the trial Court has granted interim custody of the mobile phones as sought for by the petitioner, however, had negated the right of the petitioner in respect of the cash amount, as whether the cash amount is from the proceeds of the crime by selling the banned products or not could be concluded only at the time of trial and the same cannot be decided at this point of time and this Court does not find any fault with the said findings arrived at by the trial court and thereby, this Court is not inclined to interfere with the same.

7. However, in order to safeguard the interest of the petitioner, this Court issues direction to the Judicial Magistrate, Gudalur to deposit the said cash amount of Rs.60,050/- seized from the petitioner in an interest bearing Fixed Deposit in any one of the Nationalized Bank. If the petitioner succeeds in the trial, he is at liberty to file appropriate petition for withdrawal of the said amount along with accrued interest.



Crl.RC.No.2229 of 2023

WEB COPY 8. For the reasons aforesaid, this Criminal Revision Petition stands dismissed.

02.07.2024

skt

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

To

1. The Judicial Magistrate,
Gudalur.
2. The Inspector of Police,
Gudalur Police Station,
Nilgiris.
3. The Public Prosecutor,
Madras High Court,

5/6



WEB COPY



Crl.RC.No.2229 of 2023

M.DHANDAPANI, J.

skt

Crl.RC.No.2229 of 2023

02.07.2024