



W.P.(MD) No.14168 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 09.07.2024

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THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.R.C.(MD).No.645 of 2024

Palaniselvam

... Petitioner

Vs.

State through Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

... Respondent

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Karaikudi in Cr.M.P.No.1272 of 2024 dated 30.04.2024 and set aside the same and consequently direct the said learned Judicial Magistrate, Karaikudi to return interim custody of Rs.7,20,000/- to the petitioner.

For Petitioners : Mr.Mani Anandh
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI.Side)



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ORDER

This petition has been filed to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Karaikudi in Cr.M.P.No.1272 of 2024 dated 30.04.2024 and set aside the same and consequently direct the said learned Judicial Magistrate, Karaikudi to return interim custody of Rs.7,20,000/- to the petitioner.

2. The petitioner is the complainant in Crime No.389 of 2022, which was registered for the offences punishable under Sections 406 and 420 of IPC.

3. The case of the petitioner is that a sum of Rs.7,20,000/- had been fraudulently swindled by the accused persons under the guise of getting job for the petitioner's brother's daughter, namely, Vennila in the Judicial Department.

4. Based upon the compliant given by the petitioner, respondent police conducted investigation and arrested the accused Nos.1 and 2 and



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recovered more than Rs.14,00,000/- and property documents and Share Market Investment Agreements of the accused persons and same were deposited in the Court. Thereafter, the petitioner filed a petition under Section 451 of Cr.P.C in Cr.M.P.No.3936 of 2023 seeking interim custody of his Rs.7,20,000/- and the same was dismissed on 11.09.2023.

5. The petitioner filed CrI.O.P(MD).No.17862 of 2023 before this Court seeking direction to the respondent police to file a final report in Crime No.389 of 2022 and the same was disposed of on 06.10.2023 by directing the respondent police to file a final report within two months.

6. As per the direction of this Court, the respondent police filed the final report against the 11 persons and recovered Rs.14,00,000/-. Thereafter, the petitioner filed Cr.M.P.No.1272 of 2024 seeking interim custody of the said amount and the same was also dismissed. Challenging the same, the present Criminal Revision Case has been filed.

7. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that during the course of investigation, the accused



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persons admitted that a sum of Rs.7,20,000/- was received from the petitioner.

8. Admittedly, accused had received Rs.7,20,000/- from the petitioner by giving false promise of getting Government job and cheated the petitioner. On his complaint, accused was arrested and recovery was made. During the course of investigation, the investigating officer had recovered Rs.14,00,000/- from the arrested accused and the investigation disclosed that the accused have also cheated the petitioner like persons and collected more than Rs.80,00,000/- from various person by giving false promise to get job in the judicial department. Therefore, the Learned trial judge dismissed the petitioner's request seeking the interim custody of his amount of Rs.7,20,000/-. From the record, there is no dispute over the petitioner's entitlement of amount of Rs.7,20,000/- . But, investigation disclosed that other victims also are there. Therefore this Court accepting the request of the petitioner and this Court feels that a sum of Rs.1,00,000/- can be allowed to be given.



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9. Accordingly this Criminal Revision Case stands allowed with the following directions:-

9.1. The order passed by the learned Judicial Magistrate, Karaikudi, in Cr.M.P.No.1272 of 2024 dated 30.04.2024, is hereby set aside.

9.2. The learned Judicial Magistrate, Karaikudi, is hereby directed to disburse Rs.1,00,000/- to the petitioner.

9.3. The petitioner is directed to execute bond to the value of the said amount with undertaking affidavit that in the event of the acquittal in the criminal case, he would redeposit the amount.

9.4. The Learned Judicial Magistrate, Karaikudi, is directed to deposit the remaining recovered amount from the accused in any of the Nationalized bank in the interest bearing account.

09.07.2024

Index : Yes / No
Internet : Yes / No
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To,

1. The Judicial Magistrate, Karaikudi
2. Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J

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