



Crl.O.P.(MD)No.23307 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.23307 of 2023

Kannan

... Petitioner

Vs.

The Sub-Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Crime No.1212 of 2017

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 01.09.2023 in Crl.MP.No.5780 of 2023 on the file of the learned Judicial Magistrate No.VI, Madurai, insofar the Para No.10 of the order confiscation the amount of Rs.51,180/-.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondent : Mr.B.Thanga Aravindh

Government Advocate (Crl. side)



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ORDER

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This petition has been filed challenging that portion of the order passed by the learned Judicial Magistrate No.VI, Madurai, in Crl.MP.No. 5780 of 2023, dated 01.09.2023, directing the sum of Rs.51,180/- to be credited to the account of the Government.

2.Heard the learned counsel on either side.

3.The petitioner is running a recreation club. An FIR came to be registered in Crime No.1212 of 2017 for the offence under Sections 8 and 9 of Tamil Nadu Gaming Act. In the course of investigation, a sum of Rs.51,180/- was seized from the club. The final report ought to have been filed within a period of six months. However, no such final report was filed and hence, the petitioner filed Crl.M.P.No.5780 of 2023 to discharge from the case. The same was opposed by the respondent.

4.The Court below passed an order on 01.09.2023 and found that the final report has not been filed within the period of limitation. That



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apart, no application was filed on the side of the respondent seeking for extension of time to file the final report. Hence, the Court discharged the petitioner. However, while doing so, the Court directed the sum of Rs.51,180/- to be paid to the credit of the Government.

5.In the considered view of this Court, the above direction issued by the Court below is illegal. The money was seized from the club in the course of investigation in Crime No.1212 of 2017. Hence, it becomes the case property. Once the case comes to an end, the property has to be handed over to the appropriate person. The petitioner has been discharged from the case and therefore, whatever amount was seized must also be returned back and it cannot go to the Government. This is in view of the fact that the Court below was not dealing with a confiscation order.

6.In the light of the above discussion, the direction issued by the Court below to credit the amount of Rs.51,180/- to the account of the Government is hereby set aside. It is left open to the petitioner to file a



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memo before the learned Judicial Magistrate No.VI, Madurai, seeking for the withdrawal of the amount and the same shall be entertained and allowed by the Court below.

7.In the result, this Criminal Original Petition is allowed with the above directions.

06.12.2024

Index: Yes/No
Internet: Yes/No
sjj

To

- 1.The Judicial Magistrate No.VI, Madurai.
- 2.The Sub-Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH.J.,

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