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Crl.R.C.No.336 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.336 of 2025

Mohammed Ansar

... Petitioner

..vs..

State Represented by
Inspector of Police,
M2, M.M.Colony Police Station,
Chennai, Crime No.52 of 2024.

... Respondent

Criminal Revision Case filed under Sections 438 of BNSS read with 396 read with 403 Cr.P.C., to set aside the order passed in Crl.M.P.No.1507 of 2024 dated 16.11.2024 in Crime No.52 of 2024 on the file of the District Munsif-cum-Judicial Magistrate, Madhavaram.

For Petitioner	:	Mr.V.Balamurugan
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed against the order dated 16.11.2024 passed in Crl.M.P.No.1507 of 2024 on the file of the District Munsif-cum-Judicial Magistrate, Madhavaram.

2. The case of the prosecution is that 08.02.2024, the respondent-



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Police on suspicion searched the petitioner's Godown and seized imported cigarettes and Rs.12,65,000/- as cash from the petitioner. Hence, the respondent-Police registered a case in Crime No.52 of 2024 against the petitioner herein and one Niyas for the alleged offences under Sections 353, 328 and 506(1) IPC and Sections 7(3) and 20(2) of COTPA Act and they were arrested and remanded to judicial custody. Later, the petitioner was released on bail in Crl.M.P.No.1219 of 2024 on 11.03.2024.

3. Learned counsel for the petitioner submitted that the petitioner is a resident of Kerala State and due to language barrier he was unable to communicate the respondent-Police that the said amount was procured by him from his friends and relative for their business and the respondent-Police had not heeded to his explanation and had falsely seized the said amount. Hence, the petitioner filed a petition under Sections 457(1) read with 451 Cr.P.C. for return of cash of Rs.12,65,000/- seized from him and the same was returned by the Judicial Magistrate on 09.07.2024 in Crl.M.P.Sr.No.3450 of 2024 on the ground that the petition does not indicate the denomination of the money recovered. Challenging the said return memo, the petitioner approached this Court by way of filing a



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petition in Crl.O.P.No.17031 of 2024. This Court *vide* order dated 22.07.2024 allowed the petition and directed the respondent-Police to produce the cash seized from the petitioner before the Court below and also directed the Court below to the consider the application of the petitioner. Subsequently, the petitioner filed a petition in Crl.M.P.No.1507 of 2024 under Sections 499 read with 505 BNSS, 2023 before the learned District Munsif-cum-Judicial Magistrate, Madhavaram, which came to be dismissed on 16.11.2024 on the ground that the petitioner had failed to prove the source of income and as against the said order, the present petition has been filed by the petitioner.

4. Learned Additional Public Prosecutor appearing for respondent-Police submitted that the investigation is not yet completed and if the subject property is disbursed to the petitioner, there might be possibility of the petitioner/accused for involvement of the same offence with the seized amount and hence, he strongly objects for disbursement of the amount to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Taking note of the above submissions, this Court finds that investigation is pending and charge sheet is not yet filed. Pending investigation it is not advisable to order for interim custody of the subject of the property. As to whether the amount seized by the respondent-Police is involved in the alleged offence or not would come to light only after investigation and not at this stage. Further, the seized amount was already produced before the Court below. Therefore, this Court does not find any reason to interfere with the order passed by the Court below and hence, this Criminal Revision Petition is liable to be dismissed. However, the respondent-Police is directed to complete the investigation and to file a charge-sheet as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. However, after the investigation and filing of charge sheet, if the petitioner is aggrieved by the charge sheet, it is left open to the petitioner to agitate the same in the manner known to law.

7. With the above directions, this Criminal Revision Petition is dismissed.



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

1. The District Munsif-cum-Judicial Magistrate,
Madhavaram.
2. The Inspector of Police,
M2, M.M.Colony Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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