



Crl.R.C.No.611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.611 of 2023

and

Crl.M.P.No.13022 of 2023

- 1.C.Balasubramanian
- 2.Manimegalai
- 3.M. Kulandaivel

... Petitioners

..VS..

1. State Through
Inspector of Police,
CBCID, Metro Wing, Chennai – 2,
(Crime Nos.4 of 2007 and 5 of 2007).

2. J.Job Saravanan
3. S. Ramanathan @ Lazar @ Lazarus
4. M. Perumal @ Paul Ravi @ Sanjeevi
5. W.S.S.Rajan
6. T.Soundararajan
7. A.Rajendran
8. Jessi Fathima
9. T.Daniel
10. Kuttiamma @ Elizabeth

... Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C., to call for the records of the impugned order passed in Crl.M.P.No.18035 of 2022 in C.C.No.1706 of 2017 dated 11.11.2022, on the file of the Metropolitan Magistrate Court, for exclusive trial of CCB Cases (Relating to Cheating Case in Chennai) and CBCID Metro Cases,



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Egmore, Chennai - 08 and set aside the same and consequently direct concerned aforesaid Court to return the money to the petitioners.

For Petitioners : Mr.R.Murugappan
For Respondents : Mr.S.Sugendran
Additional Public Prosecutor for R1

No appearance for R2, R5, R7 and R10

Mr.T.K.S.Gandhi for R3 and R8

R4 and R6 died

Not ready-in-notice for R9

ORDER

This Criminal Revision Petition has been filed against the order dated 11.11.2022 passed in Crl.M.P.No.18035 of 2022 in C.C.No.1706 of 2017 on the file of the Metropolitan Magistrate Court, for Exclusive Trial of CCB Cases (Relating to Cheating Case in Chennai) and CB-CID Metro Cases, Egmore, Chennai -08 and for a consequential direction to return the money to the petitioners.

2. The petitioners/victim filed a petition invoking Section 451 Cr.P.C., in Crl.M.P.No.18035 of 2023 seeking return of the money and articles seized in C.C.No.1706 of 2017 before the learned Metropolitan Magistrate Court, for Exclusive Trial of CCB Cases (Relating to Cheating

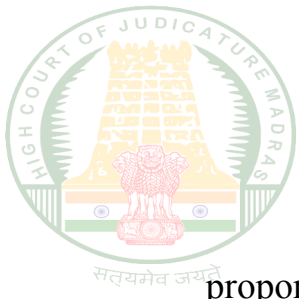


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Case in Chennai) and CBCID Metro Cases, Egmore, Chennai. The learned Magistrate, *vide* order dated 11.11.2022, dismissed the petition and as against the said order, the petitioners/victims have filed the present Criminal Revision Petition.

3. Learned counsel for the petitioners submitted that respondents 2 to 10 herein/accused persons under the guise of constructing free houses to the poor, received nearly Rs.18 crores from the public/contractors and cheated them and that the first respondent-Police registered a case against the accused persons for the offences under Sections 406, 420 and 120-B IPC and filed a charge-sheet in C.C.No.1706 of 2017 before the Court below. During investigation, the first respondent-Police recovered a sum of Rs.1,09,43,882/- and other properties and the same were deposited before the Court below as case properties. He further submitted that the accused persons cheated a sum of Rs.22,40,000/- of the first petitioner, Rs.7,00,000/- of the second petitioner and Rs.3,00,000/- of the third petitioner and they have enough records to prove the same. The petitioners are victims and witnesses in this case and hence, the part of the amount seized from the accused persons by the first respondent-Police, had to be handed over to them



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proportionately.

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4. Learned Additional Public Prosecutor appearing for the first respondent-Police submitted that there are more than 500 victims, who had deposited the money and later, they were cheated by the accused persons. Further, the recovered amount was seized from various accused on various dates. He further submitted that the amounts recovered from the accused persons are to be treated as case properties. Therefore, the said amounts are required during trial to be marked as material objects and releasing of the said amount at this stage will certainly be an impediment for conducting trial. He further submitted that petitioners 1 and 3 herein have not been cited as victims or witnesses in the case. Further, the 2nd petitioner has wrongly mentioned the amount as Rs.7,00,000/-, but she had given only Rs.2,00,000/-. Therefore, as to whether the petitioners are victims or not, can be decided only after trial, but not at this stage.

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

6. Considering the facts and circumstances and also considering the submissions of both sides, this Court finds that since the recovered



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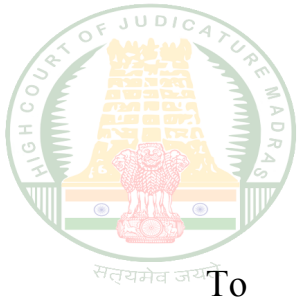
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amounts and other articles were deposited before the Court below as case properties and trial is yet to be commenced, and at this stage it is not advisable to return the case properties to the petitioners. Further, the petitioners are victims/witnesses, can be decided only after trial, but not at this stage. Therefore, this Court does not find any reason to interfere with the findings of the Court below and hence, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7. However, the petitioners are at liberty to work out their remedy in the manner known to law before the Court below during trial.

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Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
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To
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- 1.The Metropolitan Magistrate Court,
for Exclusive Trial of CCB Cases
(Relating to Cheating Case in Chennai)
and CBCID Metro Cases,
Egmore, Chennai -08.
2. The Inspector of Police,
CBCID, Metro Wing,
Chennai – 2.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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