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CRL RC No. 1687 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1687 of 2025

P.Sathiyamoorthi
S/o.Ponnusamy,
SRS Japanese Quail Products rep. by its
Partner, Kenganaickenpalayam, Kattur
Village, Pongalur Via, Palladam Taluk,
Tiruppur District.

Petitioner(s)

Vs

The State rep. by
The Inspector of Police, District Crime
Branch PS, Tiruppur District.
Crime No.2 of 2022

Respondent(s)

CRL RC No. 1687 of 2025

PRAYER

To call for the records relating to the order dated 04.06.2025 made in ECMP No.1379 of 2025 on the file of the Judicial Magistrate No.II, Tiruppur, and set aside the same by allowing this Criminal Revision Petition



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For Petitioner(s): Mr. N.Manoharan

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)**ORDER**

Challenging the impugned order dated 04.06.2025 passed in ECMP No.1379 of 2025 on the file of Judicial Magistrate No.II, Tiruppur, the petitioner/complainant preferred this Criminal Revision Case.

2. Before the Trial Court, the petitioner/complainant had filed a petition under Sec.497, r/w 503 of BNSS praying to return the property remanded, which was secured by the Investigating Officer from the residence of accused. According to the petitioner, the deceased Govindaraj was then Accountant of their company viz., M/s.SRS Japanese Quail Products, holding entire affairs of company and there was long service, he had in it. Having the belief upon him, they have handed over the entire affairs with him. While so, he met with an accident and died in the year 2022. Thereafter, they have verified the account and on verification, they came to know around a sum of Rs.1,21,19,035/- was



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misappropriated by him and with the help of the said amount, he purchased immovable properties, wherein his wife as well as his mother also conspired

with him and the property was also purchased in their name. In fact, they have no source of income. The deceased had created forged bills. Therefore, the complaint was lodged and based on that, F.I.R. was also registered in Crime No.2 of 2022 for an offence under Sec. 120(B), 420, 408, 467, 468, 471 of I.P.C.

During the course of investigation, the respondent police found that the misappropriation amount comes around Rs.3,50,30,000/- and while he was alive, he gave some amount to one Kuppusamy in order to purchase the land and the same was handed over to the sister of Kuppusamy. During the investigation, from her, an amount of Rs. 20 lakhs was recovered by the police.

Thereafter, the petitioner/defacto complainant filed a petition for return of the said amount stating that it is their money and it is in the hands of deceased family, but as on date, the investigation is still pending and at this stage, the ownership of amount to whom it is belonged to, absolutely cannot be decided.

Therefore, the trial judge dismissed the petition stating that the investigation is not yet completed. Hence, he is not inclined to hand over the amount to the



defacto complainant. Challenging the said order, this Criminal Revision case has been filed.

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3. The learned counsel for petitioner would submit that as per the ratio laid down in the authority reported in **2003(1) CTC 175** held by the Supreme Court that if the cash is recovered by the Investigating Officer, it shall be handed over to the true owner after preparing panchanama to avoid any dispute in identity during the course of trial.

4. The learned Government Advocate (Crl. Side) raised objections stating that investigation is not yet completed.

5. On considering the proposition laid down in the above referred case, after preparing a Panchanama, the amount can be returned to the petitioner/defacto complainant and it was agreed by the petitioner itself, that the misappropriation amount comes around Rs.3,00,00,000/-. Therefore, this court is inclined to set aside the findings of trial judge passed in ECMP No.1379 of 2025 and Judicial Magistrate No.II, Tiruppur is directed to return the cash of Rs.20,00,000/- (Rupees twenty lakhs only) after preparing Panchanama as per



rule within a period of two weeks from the date of receipt of copy of this order.

The trial judge is also directed to hand over the same by availing undertaking

affidavit from the petitioner/defacto complainant. Accordingly, this Criminal

Revision Case is allowed.

16-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

Judicial Magistrate No.II, Tiruppur.



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T.V.THAMILSELVI J.

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