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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.1780 of 2025

B. Sivakumar

... Petitioner

Vs.

1. State rep by
The Inspector of Police,
City Cyber Crime Police Station,
Tiruppur

2. Rajneesh Kumar Gupta

... Respondents

PRAYER : This petition is filed under Section 438 r/w 442 of BNSS Act to call for the records relating to the order dated 04.07.2025 made in Crl.M.P.No.1428 of 2025 passed by the learned Judicial Magistrate No.III (FAC), Tiruppur and set aside the same by allowing the Criminal Revision Petition.

For Petitioner : Mr.N. Ponraj

For Respondent-1 : Dr.C.E.Pratap,
Government Advocate

For Respondent-2 : No Appearance



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ORDER

This Criminal Revision Case is filed to call for the records relating to the order dated 04.07.2025 made in CrI.M.P.No.1428 of 2025 passed by the learned Judicial Magistrate No.III (FAC), Tiruppur and set aside the same by allowing the Criminal Revision Petition.

2. The facts of the case s that the petitioner is the victim of the above crime and totally a sum of Rs.11,05,571/- has been swindled by the second respondent and his companions. Pursuant to the Registration of the FIR in Crime no.69 of 2024, the first respondent police initially froze a sum of Rs.7,21,770.93/- from the bank accounts of the accused. Thereafter, the petitioner filed an application for interim custody of the money in C.M.P.No.8301 of 2024 on the file of the learned Judicial Magistrate No.III (FAC), Tiruppur and the same was allowed on 09.12.2024, whereby it was held that the petitioner is entitled to get the entire sum of Rs.7,21,770.93/-. Thereafter, a sum of Rs.6,90,658.55/- was remitted to the petitioner's bank account. When this being a case the respondent police made a further recovery of Rs.4,20,935/-. Upon knowing the same, the petitioner filed an application for interim custody of money in CrI.M.P.No.1428 of 2025 under



Section 497 and 503 of BNSS. The said petition was opposed by the second respondent stating that he was directed by one Mangal Gowda belonging to Barampur of Odisha to install mobile applications for getting profits through online investments such as “UnityMEta”, Binance' etc., However, the money received was transferred to Mangal Gowda and later, sold it to one Anand in Tamil Nadu. In that way, an amount of Rs.79,986/- was received by the second respondent through bank transfer on 27.10.2024. When this being the case, the Trial Court dismissed the application filed by the petitioner for interim custody stating that the investigation is still ongoing and at this stage it is premature to order transfer of the amount to the petitioner as it would amount to a final adjudication on ownership. Aggrieved over the same the petitioner has filed the present petition.

3. The learned counsel for the petitioner submits that if the money frozen is not transferred to the petitioner he will put into untold sufferings and his livelihood would be affected heavily. Hence, prays to allow this petition.

4. The learned Government Advocate appearing for the first respondent submits that they have investigated in this case and unearthed the cheated



amount. He further submits that freezing of the amount was a necessary step to prevent further dissipation of potentially tainted process. Hence it is premature to order transfer of the amount to the petitioner at this stage.

5. The learned counsel appearing for the second respondent submits that the relief sought for by the petitioner in the petition is unsustainable one, so it cannot be granted at this stage. He further submits that considerable amount has already been transferred and seeking to transfer further amount is not justifiable. Hence, prays to dismiss this petition.

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

7. On a perusal of records it is seen that the petitioner is a victim and now the Bank account of the accused was also seized, which also includes the petitioner's money. Hence, in order to put a quietus to this issue, this Court directs the respondent/police to take steps to remit a sum of Rs.1,00,000/- to the credit of Crl.M.P.No.1428 of 2025 before the learned Judicial Magistrate No.III (FAC), Tiruppur within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the said amount of Rs.1,00,000/- should be



taken from the second respondent's bank account. On such deposit being made the petitioner is at liberty to withdraw the same.

8. With the above directions this Criminal Revision Case stands disposed of.

31.10.2025

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To

The Inspector of Police,
City Cyber Crime Police Station, Tiruppur

2. The learned learned Judicial Magistrate No.III (FAC), Tiruppur



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T.V.THAMILSELVI, J.

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