



CrI.RC.No.2172 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

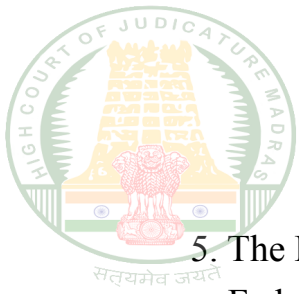
CrI.RC.No.2172 of 2024

R.Mahendran

... Petitioner

Vs.

1. Commissioner of Police
Tambaram Police Commissioner
Shozhinganallur, Chennai - 600 119
2. The State Rep. by
Inspector of Police
Central Crime Branch
(Cyber Crime Wing)
(CCD-I)
Crime No.38 of 2024
3. The Branch Manager
Federal Bank, Vijaya Nagar, Bengaluru
4. The Branch Manager
Federal Bank, Payyoli, Kozhikode



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5. The Branch Manager
Federal Bank, T.Nagar, Chennai

6. The Branch Manager
Federal Bank, Pandikad, Malapuram

7. The Branch Manager
ICICI Bank, Betul, Madhya Pradesh

8. The Branch Manager
ICICI Bank
Mumbai West (Khar)
Mumbai

9. The Branch Manager
ICICI Bank, Jafrabad, Gujarat

10. The Branch Manager
ICICI Bank
Industrial Area, Ludhiana

11. The Branch Manager
ICICI Bank
Indira Gandhi Chowk, Jharkand

12. The Branch Manager
Indusind Bank
Mandi Himachal Pradesh

... Respondents



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Prayer: Criminal Revision Case filed under under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to return of money of Rs.27,92,975/- freezing by the 2nd respondent police in Crl.M.P.No.850 of 2024 passed by the learned Judicial Magistrate-I, Tambaram, dated 11.11.2024 in Crime No.38 of 2024.

For Petitioner : Mr.B.Kumarasamy

For Respondents 1 and 2 : Mr.S.Sugendran

Additional Public Prosecutor

For Respondents 3 to 6,

8, 9, 11 and 12 : Private Notice served, No Appearance

For Respondents 7 and 10 : Not ready in notice

ORDER

This Criminal Revision Case has been filed by the petitioner seeking return of money of Rs.27,92,975/- frozen by the 2nd respondent police in Crl.M.P.No.850 of 2024 passed by the learned Judicial Magistrate-I, Tambaram dated 11.11.2024 in Crime No.38 of 2024.

2. The case of the petitioner is that the petitioner was victimized in a deceitful scheme resulting in the loss of Rs.33,11,137/-. Hence, based on the complaint given by the petitioner, the FIR in Crime No.38 of 2024 came to be



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registered. Subsequently, the petitioner filed an application in CMP No.850 of

2024 before the learned Judicial Magistrate-I, Tambaram, seeking return of frozen money from the bank accounts. Though the prosecution submitted that the money may be reverted to the complainant, the learned Magistrate, by order dated 11.11.2024 permitted the petitioner to withdraw only Rs.5,18,162/.

Aggrieved by the same, the present revision is filed.

3. The contention of the petitioner is that contrary to the established legal principles, the learned Magistrate restricted the petitioner to withdraw just Rs.5,18,162/-. The Magistrate seemingly disregarded the freezing report submitted by the respondent police which indicated a total frozen amount as Rs.68,72,006/-.

4. The learned Additional Public Prosecutor appearing for the respondents police submitted that the investigation is pending. Therefore, the Magistrate permitted the petitioner to withdraw only Rs.5,18,162/-.

5. Heard the learned counsel for the petitioner and the learned Additional



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Public Prosecutor appearing for the respondents 1 and 2 and perused the

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materials available on record.

6. It is seen that the investigation is still pending. Therefore, the petitioner/defacto complainant is not entitled to the entire amount. The Magistrate has passed the order permitting the petitioner to withdraw a sum of Rs.5,18,162/- and this Court finds no perversity in the order passed by the Magistrate.

7. Therefore, this Criminal Revision Case is dismissed.

8. The respondent police is directed to expedite the investigation and file the final report as early as possible.

9. The petitioner is at liberty to work out his remedy in the manner known to law after the filing of the charge sheet.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate-I, Tambaram
2. Commissioner of Police
Tambaram Police Commissioner
Shozhinganallur, Chennai - 600 119
3. The Inspector of Police
Central Crime Branch
(Cyber Crime Wing)
(CCD-I)
4. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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