



Crl.RC.No.2251 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.2251 of 2023

G.Parthiban

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police
D4 Kuniyamuthur Police Station
Coimbatore District
(Crime No.80 of 2023)

2. R.Krishna Kumar

... Respondent

Prayer: Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C. to set aside the impugned order dated 16.11.2023 passed by the Judicial Magistrate-VII, Coimbatore in Crl.M.P.No.47721 of 2023 and order to return the money sum of Rs.14,33,500/- (Fourteen Lakhs Thirty Three Thousand Five Hundred Rupees Only) which was deposited before the trial Court in Crime No.80 of 2023 to the petitioner.

For Petitioner

: Mr.R.Thirumoorthy

For Respondent

: Mrs.G.V.Kasthuri

Additional Public Prosecutor



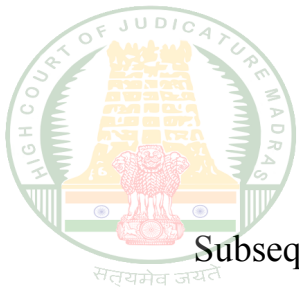
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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the impugned order dated 16.11.2023 passed by the Judicial Magistrate-VII, Coimbatore in Crl.M.P.No.47721 of 2023 and order to return the money sum of Rs.14,33,500/- (Fourteen Lakhs Thirty Thee Thousand Five Hundred Rupees Only) which was deposited before the trial Court in Crime No.80 of 2023 to the petitioner.

2. The case of the petitioner is that the petitioner is an agriculturalist and merchant of grains. He procures grains from nearby villagers and sell the same through online in bulk quantity on demand. While so, the maize valued Rs.27,30,280/- transported by the petitioner, was misappropriated by the accused persons and the second respondent herein who received the goods from A2 Ramamoorthi had kept the same in a warehouse by name Secretary of Regulated Market, Department of Agricultural Marketing and Agri Business.



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Subsequently, based on the complaint given by the petitioner, the FIR in Crime

No.80 of 2023 came to be registered. Thereafter, the petitioner filed writ petitions in W.P.No.21395 of 2023 and 23420 of 2023 in respect of Crime No.93 of 2023 and Crime No.80 of 2023 to direct the Commissioner of Police, Coimbatore to take action against the private respondents therein and to seize the materials and as per the directions of this Court, the 1st respondent seized 61 tons of maize under Section 102 Cr.P.C. Subsequently, the petitioner filed application in C.M.P.No.40586 of 2023 seeking return of seized goods. At the same time, the second respondent herein also filed a petition in C.M.P.No.40714 of 2023 seeking return of property, but the trial Court by order dated 12.09.2023, directed the Investigating Officer in Crime No.80 of 2023 to sell the sized maize and to deposit the amount in interest bearing account. Accordingly, the seized goods were sold and a sum of Rs.14,33,500/- was deposited before the trial Court. Thereafter, the petitioner filed a petition in CrI.M.P.No.43564 of 2023 before the Judicial Magistrate No.VII, Coimbatore



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invoking Section 451 Cr.P.C. for return of sale proceeds of Rs.14,33,500/-

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Subsequently, the second respondent herein also filed a petition in Crl.M.P.No.47721 of 2023 seeking return of the said amount. The learned Magistrate by order dated 16.11.2023 dismissed both the petitions on the ground that the investigation is pending. Aggrieved by the same the present revision is filed.

3. The contention of the petitioner is that the second respondent has no right to seek remedy by any means. In fact the second respondent participated in the auction and bought the maize and thereafter, filed the application for disbursement of sale proceeds which came to be deposited before the Court. Therefore, the motive and aim of the second respondent is clearly established that the claim of return of amount is mulcted with criminal design. Only the petitioner is entitled to receive the amount deposited before the Court. Therefore, the order passed by the Magistrate in Crl.M.P.No.43564 of 2023 and Crl.M.P.No.47721 of 2023 dated 16.11.2023 has to be set aside and a direction



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may be issued to return the sale proceeds of Rs.14,33,500/- to the petitioner.

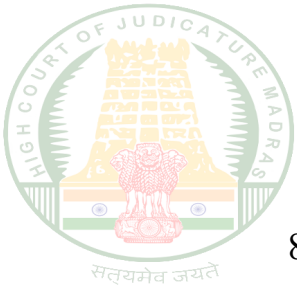
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4. The learned Additional Public Prosecutor appearing for the first respondent police submitted that the investigation is already over and the charge sheet has also been filed and the same has been taken on file in C.C.No.1007 of 2024 on the file of the Judicial Magistrate, Coimbatore and that the case is at the stage of fresh summons.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent police and also perused the materials available on record.

6. Since no adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

7. It is seen that the seized goods were already sold and only the sale proceeds has been deposited before the Court to the credit of crime number and now the case is pending trial. Therefore, this Court is not inclined to interfere with the order of the Magistrate.



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8. The Judicial Magistrate, Coimabatore is directed to expedite the trial

and dispose of the case in C.C.No.1007 of 2024 on merits and in accordance with law. Further, the Magistrate is directed to deposit the said amount in an interest bearing account, if already not deposited and also pass appropriate orders regarding disbursal of the said amount.

9. With the above directions, this Criminal Revision Case is disposed of.

10. However, the petitioner is at liberty to work out his remedy after the trial.

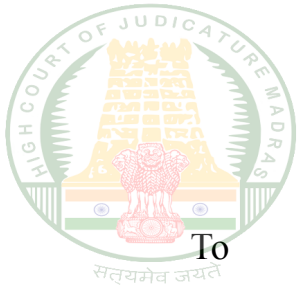
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate-VII,
Coimbatore
2. The Inspector of Police
D4 Kuniyamuthur Police Station
Coimbatore District
3. The Public Prosecutor
High Court of Madras

Copy to:

The Judicial Magistrate
Coimbatore



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P.VELMURUGAN. J.

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