



Crl.R.C.No.2329 of 2024
and
Crl.M.P.No.17998 of 2024

WEB COM **SUNDER MOHAN, J.**

Today, this matter is listed under the caption “for being mentioned”.

2. On consideration of the submission made that on Page 7 of the earlier order of this Court dated 20.01.2025 passed in Crl.R.C.No.2329 of 2024, the paragraph number was typed as 8 instead of 9, and the same shall be replaced with 9. Furthermore, on page 8, in paragraph 9, the last line before the end, the word '*first*' shall be replaced as '*ground*'.

3. All other findings and observations made in the earlier order dated 20.01.2025, shall remain intact.

31.01.2025

(Note: Registry is directed to carryout the above corrections and issue revised order copy to those concerned.)

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SUNDER MOHAN, J.

Anu

Crl.R.C.No.2329 of 2024
and Crl.M.P.No.17998 of 2024

31.01.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2329 of 2024

and

Crl.M.P.No.17998 of 2024

V.Govindarajan

... Petitioner

Vs.

1.The District Revenue Officer,
Chengalpattu District, Chengalpattu.
(Amended as per the order dated
on 05.09.2024 passed in
Crl.M.P.No.2060 of 2024)

2.The Deputy Superintendent of Police,
Economic Offence Wing,
Ashok Nagar, Chennai – 600 083.

3.The Inspector of Police,
Economic Offence Wing,
Ashok Nagar, Chennai – 600 083.

4.S.Santhakumar

5.Asha

...Respondents

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to allow the Criminal Revision Case by setting aside the order dated 18.11.2024 passed in Crl.M.P.No.3709 of 2023 in Crime No.8 of 2023 on the file of Special Court under TNPID Act (FAC), Chennai.

For Petitioner : Mr.V.Karthic, Senior Counsel
for Mr.P.Navaneetha Krishnan

For RR 1 to 3 : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



ORDER

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The revision challenges the order passed by the Special Court under TNPID Act (FAC), Chennai aggrieved by the condition imposed on the petitioner to deposit a sum of Rs.45,00,000/- for handing over the keys of the office property belonging to the petitioner.

2.The petitioner is the owner of the property, which consist of four floors constructed in No.5, Guduvanchery Village in Plot No.1A, Jesupadham Nagar, Chengalpeta District. The 5th respondent was a tenant in the said property. The 4th respondent is the husband of the 5th respondent herein. It is not in dispute that the petitioner had rented out the building to the 5th respondent for the monthly rent of Rs.4,50,000/- and had received Rs.45,00,000/- as advance. The 4th and 5th respondents were running a company by the name “Fresh Basket and Agro Trade” and were also receiving deposits under various schemes from the general public promising high returns and failed to repay the deposits. On the complaint given by the depositors, a case in Crime No.08/2023 was registered against 4th and 5th respondents and others under Section 120(B), 406, 420 r/w 34 of I.P.C. and Section 5 of TNPID Act and Section 21(3), 23, 25 of the BUDS Act and 76(1) of Chit Funds Act, 1982. During the course of investigation, the



premises in which the accused were running the business were sealed w includes the premises belonging to the petitioner. It appears that the possession of two floors, namely, First and Second floor, was handed over to the petitioner in the month of December, 2023.

3.The respondent police had taken inventory of the movable items in the premises and had shifted it to a portion in the ground floor and to the third floor of the said premises and kept it under lock and key.

4.The petitioner sought for return of the keys and filed CrI.M.P.No.3709 of 2023 before the Special Court under TNPID Act, Chennai. The Special Court found that since the petitioner had received an advance of Rs.45,00,000/-, which was from the money received from the depositors, the keys can be returned only on the condition that the petitioner deposits Rs.45,00,000/- to the credit of Crime No.08/2023.

5.Mr.V.Karthic, learned Senior Counsel for the petitioner would submit that the respondents 4 and 5 had not paid the rents for the period from August, 2022 till May, 2023; that they had also not paid the TANGEDCO dues, which was paid by the petitioner and that since the rents and electricity



charges payable for the said months were adjusted towards the advance

petitioner is not liable to pay any amounts to the respondents 4 and 5. The learned Senior Counsel would further submit that in the counter filed before the trial Court, the respondents had stated that since there is no place to store the seized movable properties of the accused, they were kept under lock and key in the premises of the petitioner and that the petitioner's premises cannot be used for storing the seized articles.

6.The learned Government Advocate (Crl. Side), on instructions, submitted that it is a fact that the possession of the first and second floor of the premises was handed over to the petitioner in the month of December, 2023; that the movable properties belonging to the accused were kept in the ground floor and in the third floor; that an application has been filed before the learned Special Judge praying for permission to sell all the properties including certain perishable goods and that since the petitioner had received Rs.45,00,000/- as advance, he is liable to deposit the said amount before taking possession of the premises.

7.The respondents 4 and 5 remained *ex-parte* before the trial Court. Further by the impugned order the keys were allowed to be handed over to the petitioner. The respondents 4 and 5 have not challenged the said order. The only question is whether the condition imposed by the Court for handing



over the keys can be sustained. Hence, notice to the respondents 4 and 5 is dispensed with.

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8. Admittedly, the premises, which is under lock and key, belongs to the petitioner. The possession of two floors in the said property has been handed over to the petitioner in the month of December, 2023. It is not known on what basis the possession of the two floors were handed over, if according to the respondent the petitioner is liable to deposit Rs.45,00,000/-. Be that as it may. According to the petitioner, though he had received a sum of Rs.45,00,000/- as advance, since the accused/tenants defaulted in payment of rent from August, 2022 to May, 2023, the advance received is adjusted towards the rent and towards other dues payable to TANGEDCO. The respondents have not specifically denied this statement made by the petitioner. In any case it is a disputed question of fact. Unless it is established as to what is the exact amount payable by the petitioner to the respondents 4 and 5, there cannot be a direction to deposit Rs.45,00,000/-. The only concern of the respondent police appears to be that the seized articles cannot be kept in any other place.

8. This Court is of the view that the impugned order, which directs handing over of the possession of the premises to the petitioner and imposes an onerous condition, cannot be sustained, since the question as to whether



the petitioner is liable to return Rs.45,00,000/- to the tenant is disputed. I

investigating officer finds that any amount is due by the petitioner to the tenant, it will always open for the respondent police to establish the same and recover it in the manner known to law. However, there cannot be a condition to make payment for handing over possession of the petitioner's premises. The counter filed by the respondent police that they have no place to store the articles also cannot be accepted. The petitioner cannot be made to suffer for no fault of his. It is for the respondent police to make arrangements to shift the articles and hand over vacant possession to the petitioner, especially, when they had handed over vacant possession of two of the floors in the said property. Therefore, this Court is of the view that the impugned order imposing a condition cannot be sustained. Hence, the condition to deposit Rs.45,00,000/- is set aside and the respondent police is directed to hand over the possession of first floor and the third floor of the premises to the petitioner within a period of four weeks from today.

10. With the above observations, the Criminal Revision Case is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

20.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rsi



To

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- 1.The District Revenue Officer,
Chengalpattu District,
Chengalpattu.
- 2.The Deputy Superintendent of Police,
Economic Offence Wing,
Ashok Nagar, Chennai – 600 083.
- 3.The Inspector of Police,
Economic Offence Wing,
Ashok Nagar, Chennai – 600 083.
- 4.The Special Judge,
Special Court under TNPID Act (FAC), Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

Note: Upload forthwith



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SUNDER MOHAJIR



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and
CrI.M.P.No.17998 of 2024

20.01.2025