



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.2190 of 2025

Chandirasekar

...Petitioner

Versus

State Rep. by
Sub Inspector of Police,
Mangalam Police Station,
Tiruvannamalai.
Crime No.38 of 2025

...Respondent

This Criminal Revision Case is filed under Sections 438 r/w. 442 of BNSS, 2023 praying to call for the records in Crl.M.P.No.709 of 2025 on the file of Judicial Magistrate No.II, Tiruvannamalai in Crime No.38 of 2025 on the file of Inspector of Police, Mangalam Police Station, Tiruvannamalai and set aside the same.

For Petitioner : Mr.R.S.Govarthan

For Respondents : Dr.C.E.Pratap,
Government Advocate (Crl.Side)



ORDER

This Civil Revision Case has been filed by the Petitioner seeking to set aside the Order dated 01.08.2025 in CrI.M.P.No.709 of 2025 passed by the learned Judicial Magistrate No.II, Tiruvannamalai.

2. The brief facts of the case are as follows:

Petitioner is Accused No.1 in Crime No.38 of 2025 on the file of Respondent Police. On 03.02.2025, at about 3.00 a.m., Respondent Police had received an information that in Kiliyapattu Village near Gangai Amman Kovil, six persons were playing Gambling, pursuant to which, Respondent Police went to the said place. On seeing the Respondent Police, those six persons were trying to escape from the place, but, Respondent Police had captured and arrested them. At the time of arrest, Respondent Police had recovered a cash of Rs.1,50,000/- and 40 cards without having symbols, from those persons. Thereafter, Respondent Police had registered a case in Crime No.38 of 2025 against those persons for offence under Section 112 of Bharathiya Nyaya Sanhita, 2023 and Section 12 of Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021). The seized cash belongs to the Petitioner/Accused. Therefore, Petitioner/Accused No.1 had filed a petition



in CrI.M.P.No.709 of 2025 before the Court of Judicial Magistrate No.II, Tiruvannamalai seeking to grant him the interim custody of Rs.1,50,000/- which was seized by the Respondent Police in connection with the case in Crime No.38 of 2025. However, the learned Judicial Magistrate No.II, Tiruvannamalai vide Order dated 01.08.2025, dismissed the said CrI.M.P.No.709 of 2025 for the reasons that release of the seized amount may adversely impact the ongoing investigation of the case and the same may enable the Petitioner/Accused No.1 to re-engage in similar illegal activities. Aggrieved by the said order, Petitioner/Accused No.1 has filed this Criminal Revision Case.

3. The learned counsel for Petitioner/Accused No.1 submitted that Petitioner/Accused No.1 is the owner of the cash which was seized by the Respondent Police. The Petitioner/Accused No.1 is a daily wager and he was having the said cash of Rs.1,50,000/- in order to buy some cattles in the nearby Market (Sandhai).

3.1. It is further submitted by the learned counsel for Petitioner/Accused No.1 that Petitioner/Accused No.1 is no way connected



to the case in Crime No.38 of 2025, but, the cash of Rs.1,50,000/- belongs to the Petitioner/Accused had been seized by the Respondent Police in connection with the said case. Now, the seized cash is in the custody of Respondent Police.

3.2. The learned counsel for Petitioner/Accused No.1 also submitted that Petitioner/Accused No.1 is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the impugned order passed by the Trial Court may be set aside.

4. On the other hand, learned Government Advocate (Crl.Side) appearing on behalf of Respondent Police submitted that the Respondent Police had seized the aforesaid cash of Rs.1,50,000/- from the place of occurrence where the Petitioner/Accused No.1 was playing Gambling with other accused. He further submitted if the seized money is returned to the Petitioner/Accused No.1, again Petitioner/Accused No.1 may involve in similar offence. Therefore, the learned Trial Judge has rightly dismissed the petition filed by Petitioner/Accused No.1 seeking for interim custody of seized cash.



5. Heard the learned counsel on either side and perused the materials available on record.

6. As far as this case is concerned, Petitioner/Accused No.1 was playing Gambling with other accused. Hence, the Respondent Police had arrested the Petitioner/Accused No.1 along with other accused and registered a case in Crime No.38 of 2025 against them. While arresting the accused, Respondent Police had seized a sum of Rs.1,50,000/- cash from the accused.

7. According to the Petitioner/Accused No.1, the cash which was seized by the Respondent Police is his hard earned money. Therefore, Petitioner/Accused No.1 had filed a petition before the Trial Court seeking to grant him the interim custody of the cash which was seized by the Respondent Police. However, the learned Trial Judge had dismissed the said petition. Hence, Petitioner/Accused No.1 has filed this Criminal Revision Petition.

8. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side,



this Court is of the opinion that the learned Trial Judge is right in holding that release of the seized amount may adversely impact the ongoing investigation of the case and the same may enable the Petitioner/Accused No.1 to re-engage in similar illegal activities. Therefore, Order dated 01.08.2025 in CrI.M.P.No.709 of 2025 passed by the learned Judicial Magistrate No.II, Tiruvannamalai does not warrant any interference.

9. In the result, this Criminal Revision Case shall stand dismissed.

30.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Judicial Magistrate No.II,
Tiruvannamalai.

2.The Sub Inspector of Police,
Mangalam Police Station,
Tiruvannamalai.

3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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