



WEB COPY

CRL RC No. 2833 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2833 of 2025

and

CRL MP No.24537 of 2025

1. Mariappan
S/o.Madasami, 24, Shreepuram,
Greenpark, Senthur Garden,
Kittampalayam Village,
Mahalingapuram, Coimbatore.

Petitioner(s)

Vs

1. State represented by Inspector of
Police
Thondamuthur Police Station,
Coimbatore District. Crime
No.210/2024.

Respondent(s)

PRAYER

Criminal Revision is filed under Section 442 of BNSS, to call for the records and set aside the order passed by the Learned Judicial Magistrate VI, Coimbatore in C.M.P.No. 7136 of 2025 against Crime No. 210/2024 dated 01.08.2025.

For Petitioner(s): D.Parventhan

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The criminal revision has been filed by the petitioner challenging the



order passed in C.M.P.No.7136 of 2025, dismissing his application seeking return of cash of Rs.6,68,000/-, which was seized from the petitioner's premises on 18.02.2025 in connection with the investigation in Crime No.7136 of 2025 registered for the offences under Sections 303(2) of BNS r/w Section 21(1) of MMDR Act and later altered to Sections 111, 303(2), 318, 336(2), 336(3), 340(2) of BNS and Section 21(1) of MMDR Act.

2. It is the case of the respondent that the petitioner is an accused in Crime No.210 of 2024 for illegally mining the sand from the patta land belonging to one Karuppaswamy; and that during the course of the search of his premises, cash of Rs.6,68,000/- was found and the same was seized from the petitioner.

3. The petitioner sought the return of the said cash of Rs.6,68,000/- before the learned Magistrate. The said application was dismissed by the learned Magistrate on the ground that the petitioner had not established the source of the said cash and therefore, the petitioner is not entitled for return of the cash.

3. The learned counsel for the petitioner would submit that the petitioner is engaged in other businesses and that the cash was kept in the house for the purpose of treating the petitioner's wife, who was suffering from an



ailment. He further submitted that the respondent has no jurisdiction to seize the cash under Section 102 of Cr.P.C (corresponding to Section 106 of BNS) and therefore, the impugned order is liable to be set aside.

4. The learned Government Advocate (Crl.Side) per contra submitted that the petitioner had not established that the cash was earned from legal sources and therefore, the seizure cannot be faulted and that there is no infirmity in the impugned order.

5. It is not the case of the respondent that the cash seized from the petitioner's premises is stolen property or that it created suspicion of a commission of a cognizable offence. The respondent has no jurisdiction to seize the cash or any property unless one of the conditions stipulated under Section 102 of Cr.P.C, is satisfied.

6. Be that as it may, the learned Magistrate held that the petitioner had not proved the source of the cash. However, it is for the respondent to establish that the petitioner had illegally acquired the money found in his premises. For that purpose, the respondents ought to have invoked Section 107 of BNSS for attachment of the property. Therefore this Court is inclined to hand over the interim custody of the cash to the petitioner with liberty to invoke Section 107 of BNSS if the conditions thereof are fulfilled. Accordingly, the revision is



allowed and the interim custody of the cash is directed to be handed over to the petitioner on the following conditions:

(i) The petitioner shall execute a bond for sum of Rs.3,00,000/- [Rupees Three Lakhs only] with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate Court-VI, Coimbatore.

(ii) The petitioner shall file an affidavit of undertaking stating that the said sum of Rs.6,68,000/- shall be returned as and when it is directed to be returned by the Judicial Magistrate Court-VI, Coimbatore.

7. Consequently, connected miscellaneous petitions, if any, shall stand closed.

19-12-2025

dpa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The learned Judicial Magistrate Court-VI, Coimbatore.

2. The Inspector of Police
Thondamuthur Police Station,
Coimbatore District. Crime
No.210/2024.

3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

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