

WEB COPY

Crl.R.C(MD)No.42 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.01.2025

Pronounced on : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.42 of 2025

Rajkumar @ Jogulu Rajkumar

... Petitioner

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
District Crime Branch,
Thanjavur.
(In Crime No.28 of 2024)

... Respondent

PRAYER : This Criminal Revision Case has been filed under Section 438 of BNSS r/w Section 442 of BNSS, to call for the records and to set aside the order passed in Cr.M.P.No.3935 of 2024 on the file of the Judicial Magistrate No.1, Thanjavur, dated 24.12.2024 in Crime No.28 of 2024 on the file of the respondent police and allow this Criminal Revision Petition.

For Petitioner

: Ms. S.Prabha

For Respondent

: Mr.R.M.Anbunithi

Additional Public Prosecutor



ORDER

WEB COPY This Criminal Revision Case is filed against the order, dated 24.12.2024 passed in Crl.M.P.No.3935 of 2024 on the file of the learned Judicial Magistrate No.1, Thanjavur and to set aside the same and to direct the learned Judicial Magistrate to return the seized properties in Crime No.28 of 2024 of respondent police to revision petitioner on interim custody.

2.The brief facts of the case:

The defacto complainant is the Administrative Officer of KG Multi Speciality Hospital and Research Centre and he lodged a complaint on 10.07.2024 that the petitioner was appointed as Manager (Human Resources) in their hospital on 13.03.2019 and during auditing, it was brought to knowledge that the petitioner cheated 1.50 crores of money of the hospital from the year 2019. On the basis of the complaint, the respondent police registered a case in Crime No.28 of 2024 U/s.406, 408 and 420 of IPC. During investigation, the Investigating Officer seized Royal Enfield bike bearing registration number TN 49 CH 3898, Real Me & Infinix cell phones, gold jewels and cash Rs.15,000/- from the petitioner/accused. The petitioner filed the petition in Crl.M.P.No.3935



of 2024 before the learned Judicial Magistrate No.I, Thanjavur, for return of seized properties on interim custody. After hearing, that petition was dismissed on 24.12.2024.

WEB COPY

3. Aggrieved by the order of dismissal, the petitioner has come forward with this present criminal revision case.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the records in this Criminal Revision Case.

5. The learned counsel appearing for the revision petitioner has submitted that the petitioner is the owner of the seized bike, mobile phones, gold jewels and cash Rs.15,000/-. The trial Court has not taken into consideration of guidelines issued in **Sundarbai Ambalal Desai** case reported in **2003 (1) CTC 175**. If the properties are kept idle without use, they would get fully damaged. The trial Court dismissed the petition without any reason.

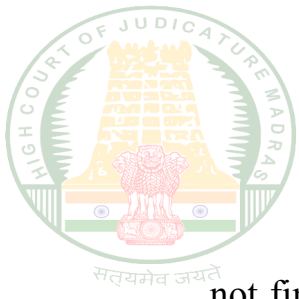
6. The learned Additional Public Prosecutor appearing for the respondent has strongly objected that the petitioner cheated



Rs.1.50 crores of money of the defacto complainant's hospital and he purchased the seized properties from out of cheated money.

The investigation is pending and also still huge sum is yet to be recovered. The properties are material evidence for the prosecution case and if they are returned to the petitioner he would alienate them which would seriously affect the prosecution case.

7. On hearing both sides, it is clear that the petitioner is the prime accused, who is arrayed as Accused No.1. It is alleged that the petitioner while serving as human resource manager in the defacto complainant's hospital and research center, cheated and misappropriated crores of rupees with the assistance of others. The respondent police stated that the seized properties were purchased by the accused from out of cheated money and still huge sum has to be recovered. The petitioner has not placed any contra material against the prosecution version. Moreover, the petitioner has not come forward to produce any bills or any material to show that he purchased the seized property, from his own money. The trial Court has correctly observed and dismissed the petition for return of properties on interim custody.



Crl.R.C(MD)No.42 of 2025

WEB COPY

8. Considering the above facts and circumstances, this Court does not find any irregularity upon the order of the trial Court and it does not warrant any interference. Therefore, this Court is not inclined to allow this criminal revision case.

9. In the result, this Criminal Revision Case is dismissed.

26.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Judicial Magistrate No.1,
Thanjavur.
- 2.The Inspector of Police,
District Crime Branch,
Thanjavur.
(In Crime No.28 of 2024)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C(MD)No.42 of 2025

P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Crl.R.C(MD)No.42 of 2025

26.02.2025