

Crl.R.C.(MD).No.788 of 2024

'BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 29.04.2025

PRONOUNCED ON : 04.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.788 of 2024
and
Crl.M.P.(MD)No.8462 of 2024

Ramakutty

... Petitioner/Victim

Vs.

1.Justin

: 1st Respondent/Petitioner

2.State represented by

The Inspector of Police,
Cyber Crime Police Station,
Ramanathapuram.
Cr.No.31 of 2023.

: 2nd Respondent/1st Respondent

3.The Inspector of Police,
District Crime Branch,
Tenkasi.

: 3rd Respondent

(R.3 is impleaded as per order of the
Court dated 05.09.2024 in Crl.M.P.(MD)
No.9224 of 2024)



Crl.R.C.(MD).No.788 of 2024

WEB COPY

4.Srinivasan

5.Ramkumar

6.Sankar Ramanathasubramanian

7.Karthick

8.Silambarasan

: Respondents 4 to 8

(R.4 to R.8 are suo motu impleaded)

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 BNSS to call for the records relating to the order passed by the Judicial Magistrate No.II, Ramanathapuram in Cr.M.P.No.997 of 2024, dated 14.03.2024 and to set aside the same in respect of allowing the first respondent to take back money from his account.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
for R.2 and R.3

: Mr.A.Joseph Jerry and
Mr.S.Vishnuvardhan
for Intervenors



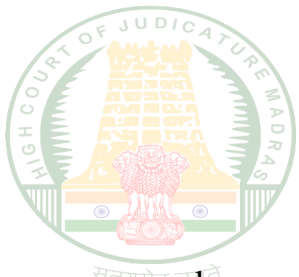
Crl.R.C.(MD).No.788 of 2024

WEB COPY

ORDER

This Criminal Revision is directed against the order passed in Cr.M.P.No. 997 of 2024, dated 14.03.2024, on the file of the Court of the Judicial Magistrate No.II, Ramanathapuram, allowing the petition filed under Sections 451 and 457 Cr.P.C.

2. It is pertinent to note that the present case is of job rocketting. It is the case of the petitioner that the petitioner and 6 other persons have given amounts for getting jobs to the first respondent, who in turn paid the amounts to the accused and that since the amount was not returned, F.I.R., came to be registered. It is evident from the records that on the basis of the complaint lodged by the first respondent, F.I.R., came to be registered in Cr.No.31 of 2023 on 07.11.2022 against three persons for the alleged offences under Section 420 I.P.C., and under Section 66D of the Information Technology (amendment) Act, 2008. The first respondent, in his complaint had alleged that he transferred a sum of Rs.61,92,102/- to the bank accounts of the accused in order to get job for his workmen and for himself and that since the first respondent came to know



Crl.R.C.(MD).No.788 of 2024

subsequently that the accused persons are committing fraud, he was forced to lodge a complaint.

3. It is the further case of the first respondent that out of Rs.61,92,102/- they have paid a sum of Rs.12,93,000/- and the remaining amount is pending. It is not in dispute that the second respondent police, during investigation, has frozen the account of the main accused wherein a sum of Rs.30,86,659.15/- was found available. The first respondent has then moved an application before the jurisdictional Magistrate Court in Cr.M.P.No.997 of 2024 under Section 451 r/w 457 Cr.P.C., seeking interim custody of the amount of Rs.30,86,659.15/- lying in the bank account of the accused.

4. It is pertinent to mention that the second respondent police has stated that they have no objection in handing over the said amount of Rs.30,86,659.15/- to the first respondent/complainant. The learned Judicial Magistrate, considering the entire facts and circumstances and also taking note of no objection stated by the prosecution, has passed the impugned order dated 14.03.2024 allowing the petition and thereby directing the concerned Investigating Officer to defreeze the bank accounts of the accounts of the accused and to assist the bank officials for



Crl.R.C.(MD).No.788 of 2024

reversing the refundable amount in the frozen bank account directly to the account of the first respondent/accused and further direction to the first respondent to file an undertaking affidavit that he would hand over the money to the concerned persons. Challenging the impugned order, the present revision came to be filed.

5. The case of the revision petitioner is that he had deposited the amounts totalling Rs.15,01,700/- in the bank accounts of Gurusamy, Shanmugasundaram and the first respondent – Justin, that since all of them had cheated the petitioner, he was forced to lodge a complaint before the District Crime Branch, Tenkasi and on that basis, F.I.R., came to be registered in Cr.No.3 of 2024 on 21.03.2024 against four persons including the first respondent for the alleged offences under Sections 120B, 406, 465, 468, 420, 294(b) and 506(i) I.P.C. After coming to know about the registration of F.I.R., in Cr.No.3 of 2024 against the first respondent, the petitioner has moved an application for impleadment of the Inspector of Police, District Crime Branch, Tenkasi who registered the case in Cr.No.3 of 2024 and the same came to be allowed and thereby the third respondent was impleaded.



Crl.R.C.(MD).No.788 of 2024

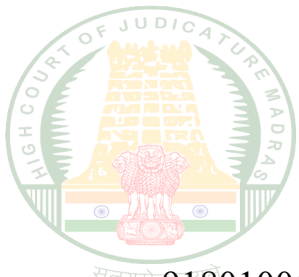
WEB COPY

6. The learned Counsels Mr.S.Vishnuvardhan and Mr.A.Joseph Jerry submitted that 5 other victims were also cheated by the first respondent and other accused and as such, they are also entitled to get the amount now available in the bank account of the accused.

7. Considering the submissions, this Court has passed an order for suo moto impleadment of the other victims as respondents 4 to 8.

8. In pursuance of the directions of this Court, the second respondent as well as the third respondent have filed status reports.

9. The learned Government Advocate (Crl.Side) would submit that another case came to be registered in Cr.No.1 of 2023 by the Ariyalur Cyber Crime Police Station for the alleged offences under Sections 420, 466, 471 I.P.C., and 66(D) of IT Act and during investigation, the accused Manees Kumar Pande, who is the main accused in Cr.No.31 of 2023 came to be arrested. The respondents 2 and 3 in their status reports have specifically stated that the bank account of Manees Kumar Pande available with Axis Bank bearing No.



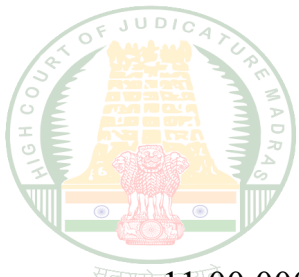
Crl.R.C.(MD).No.788 of 2024

918010054055950 came to be frozen and a sum of Rs.30,86,624/-is available in
WEB COPY

the said account.

10. The learned counsel for the first respondent would submit that the petitioner and other victims are entitled to refund, and since only Rs. 30,86,624 is available, the amount should be distributed proportionately among the victims at 48.2285%. A calculation memo to this effect was filed. However, considering the learned Government Advocate's submission that a third case against the same accused is pending (Cr.No.1 of 2023) before the Ariyalur Cyber Crime Police Station, the first respondent filed a revised calculation memo. According to the revised memo, six named victims and the victim/complainant in the Ariyalur case are entitled to the amount, and all seven victims should receive a proportionate share at 38.5828%.

11. It is submitted by all the parties that the petitioner paid Rs. 13,00,000 on behalf of his son Aravindh, the fourth respondent Srinivasan paid Rs. 13,00,000, and respondents 5 to 8 paid Rs. 15,00,000, Rs. 9,00,000, Rs. 10,00,000, and Rs. 9,00,000, respectively. According to the prosecution, in the Ariyalur Cyber Crime Police Station case, it is alleged that one Siva paid Rs.



Crl.R.C.(MD).No.788 of 2024

WEB COPY

11,00,000. The learned Government Advocate (Crl. Side) would submit that the available amount should not be disbursed to the victims at this stage since the investigation is ongoing. However, this Court finds no merit in this contention.

12. As already pointed out, when the first respondent has moved an application for taking entire amount of Rs.30,86,659/-, the second respondent has stated no objection and only on that basis, the impugned order came to be passed. Now it is pertinent to mention that the District Crime Branch, Tenkasi as well as the Ariyalur Cyver Crime Police has already filed the charge sheets.

13. When the matter was taken up for final hearing, the Additional Superintendent of Police, Cyber Crime, Ramanathapuram District and the District Superintendent of Police, District Crime Branch, Tenaksi were present before this Court and on their instructions, the learned Government Advocate (Crl.Side) would submit that they are going to complete the investigation in the present case and that there are no other victims.

14. .The learned counsel for the first respondent would submit that the first respondent was arrested in connection with Cr.No.3 of 2024 and was granted



Crl.R.C.(MD).No.788 of 2024

WEB COPY

bail by this Court on condition that he deposit Rs. 5,00,000 to the credit of the said case, without prejudice to his rights. The learned counsel would further submit that the first respondent undertakes to deposit Rs. 5,81,542 as per this Court's order in Crl.O.P.(MD)No.11253 of 2024 dated 16.08.2024, if the revision petitioner is permitted to withdraw the amount to be deposited in Cr.No.3 of 2024. The learned counsel would submit that he has no objection to the victims apportioning the amount currently available in the accused's bank account according to the calculation memo provided, to which, the learned counsels for the revision petitioner and other victims have agreed.

15. In view of the above, the impugned order dated 14.03.2024 passed in Cr.M.P.No.997 of 2024, on the file of the Judicial Magistrate No.II, Ramanathapuram is hereby set aside and the respondents 2 and 3 are directed to transfer the amount of Rs.5,01,576/-, Rs.5,01,576/-, Rs.5,78,742/-, Rs.3,47,245/-, Rs.3,85,828/- and Rs.3,47,245/- to the bank accounts of the revision petitioner and the respondents 4 to 8 respectively through concern bank officials on condition that the petitioner and the respondents 4 to 8 shall execute bonds for the said sums along with two sureties and also to file an undertaking affidavit that they will redeposit the amount as and when directed by the Court.



Crl.R.C.(MD).No.788 of 2024

WEB COPY

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

04.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
SSL

To

1.The Judicial Magistrate Court No.II, Ramanathapuram.

2.The Inspector of Police,
Cyber Crime Police Station,
Ramanathapuram.

3.The Inspector of Police,
District Crime Branch,
Tenkasi.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD).No.788 of 2024

K.MURALI SHANKAR, J.

SSL

Pre-Delivery order made in

Crl.R.C.(MD)No.788 of 2024

04.08.2025