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CRL RC(MD)No.1073 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1073 of 2025

Rathinasamy Nadar

... Petitioner/ Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Sub Inspector of
Police,
Kallikudi Police Station,
Madurai District.
(Crime No.253 of 2024)

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records of the learned Judicial Magistrate, Thirumangalam, in Cr.M.P.No.698 of 2025 dated 19.05.2025.

For Petitioner : Mr.R.Mathava Selvam

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) takes notice for the respondent.

2. Challenging the order passed by the learned Judicial Magistrate, Thirumangalam, in Cr.M.P.No.698 of 2025 dated 19.05.2025, this Criminal



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Revision case is filed.

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3. The petitioner is the accused in the said crime and he made an application under Section 497 of BNSS, 2023, for release of an amount of Rs.17,46,000/- which was seized during investigation in connection with the said crime. However, recording the objection raised by the prosecution though the petitioner claimed to be the rightful owner of the seized amount and sought for interim release, the learned Trial Court proceeded to dismiss the same. Though the amount which is claimed to have been kept in the Almirah of the petitioner to meet the medical expenditure of his wife for the treatment of cancer, no documents were filed to show that his wife was taking treatment and only relying upon the judgment of the Hon'ble Apex court in ***“Sunderbhai Ambalal Desai vs. State of Gujarat”***¹, the learned Trial Court made it clear that the release of property to the original owner where ownership is not disputed, could be allowed only if the item is not needed for trial. Hence, the learned Judicial Magistrate dismissed the said application.

4. The learned Additional Public Prosecutor Mr.S.Ravi submitted that the prosecution can take the inventory of the amount by way of a photograph. However, the amount cannot be returned as an interim relief to the petitioner.

¹ (2002) 10 SCC 283



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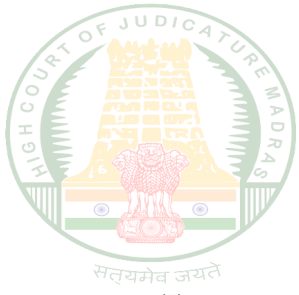
5. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondent and carefully perused the materials available on record.

6. I don't find any infirmity in the impugned order passed by the learned Trial Court. However, considering the nature of the case, I am of the considered view that the learned Trial Court should forthwith deposit the entire amount of Rs.17,46,000/- in a nationalized bank in a fixed deposit in the account of crime No.253 of 2024 on the file of the respondent police station. The learned Judicial Magistrate may pass appropriate orders and return the amount along with the accumulated interest if the accused is acquitted. The learned Judicial Magistrate is directed to conclude the trial within a period of six (6) months from the date of the receipt of a copy of this order.

7. In view of the above, the Criminal Revision case is dismissed. No costs.

14.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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To

- 1.The Judicial Magistrate,
Thirumangalam.
- 2.The Sub Inspector of
Police,
Kallikudi Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

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