

CrI.R.C(MD)No.1326 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2025**

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

CrI.R.C(MD)No.1326 of 2024

A.Anitha

... Petitioner

Vs.

State of Tamil Nadu rep.by
The Inspector of Police,
Cyber Crime Police Station,
Madurai City.
(Crime No.49 of 2024)

... Respondent

PRAYER : This Criminal Revision Case has been filed under Sections 438 r/w 442 of BNSS, 2023, to set aside the order passed by the Judicial Magistrate Court No.1, Madurai in Cr.M.P.No.2181 of 2024, dated 12.08.2024 and further directing the Judicial Magistrate No.1, Madurai to release the fund amounting to Rs. 11,35,699.12/- towards the petitioner's account.

For Petitioner	: Mr.S.Ramsundarvijayraj
For Respondent	: Mr.M.Vaikkam Karunanithi Government Advocate



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ORDER

This Criminal Revision Case is filed against the order, dated 12.08.2024 passed in Cr.M.P.No.2181 of 2024 on the file of the learned Judicial Magistrate No.I, Madurai and to return the amount of Rs.11,35,699.12/- to the revision petitioner on interim custody.

2.The brief facts of the case:

The prosecution case is that the petitioner invested a total sum of Rs.96,66,877/- in Plex Movie Rating through facebook link, Plexmovie official @gmail.com, with a promise of gaining benefits, but the entire amount was defrauded by unknown accused, so the petitioner lodged a complaint and the case was registered in Crime No.49 of 2024 by the respondent police under Section 66 D of the Information Technology (Amendment) Act, 2008 and U/s.420 of IPC. The respondent police identified the bank account of the accused and the account was freezed. There is a sum of Rs.18,85,779/- available in the freezed bank account of the accused. Therefore, the petitioner has filed the petition in Cr.M.P.No.2181 of 2024 before the Judicial Magistrate Court No.I, Madurai, for transferring of the seized amount to the Court account and the said petition was partly allowed on 12.08.2024.



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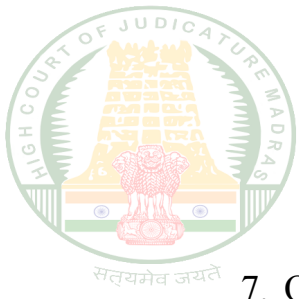
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3. Aggrieved by that order, the petitioner has come forward with this present Criminal Revision Case.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned counsel appearing for the revision petitioner has submitted that the petitioner is the owner of the amount available in the freezed bank account of the identified accused. In that freezed account, a sum of Rs.11,35,699.12/- is identified as the amount of the petitioner. The trial Court directed the respondent police to transfer the same to the Court Account. So, the amount may be ordered to be released to the petitioner on interim custody.

6. The learned Government Advocate (Crl.side) for the respondent has filed a status report and submitted that the investigation is at premature stage, the investigating agency has issued notices U/s.41A of Cr.P.C. to all the banks of the suspected accused, however, the accused persons are not yet identified.

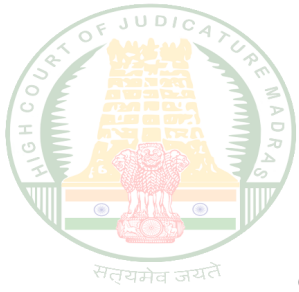


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7. On hearing both side, it is clear that upon the complaint lodged by the petitioner, the respondent police has registered a case in Crime No.49 of 2024 under Sections 66D of the Information Technology (Amendment) Act, 2008 and U/s.420 of IPC. The respondent police identified the bank account of the accused and the account was freezed, and it is stated that there is a sum of Rs.18,85,779/- available in the freezed bank account of the accused. It is stated that out of the said freezed amount, a sum of Rs.11,35,699.12/- is the petitioner's amount.

8. On perusal of the material records filed along with this Criminal Revision Case, it is clear that the petitioner has filed the petition in Cr.M.P.No.2181 of 2024 for transfer the amount from the freezed bank account of the accused to the account of the Court and after hearing both side, the trial Court has ordered to transfer Rs.11,35,699.12/- from the freezed bank account of the accused to the Court Account. Subsequently, the petitioner has not filed any petition U/s.497 of BNSS for return of property before the trial Court. Without filing such petition before the trial Court, the filing of this Criminal Revision Case for return of property is not maintainable. Therefore, this Court is of the view that this Criminal Revision Case is liable to be dismissed as not maintainable, however, with certain directions.



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9. In the result, this Criminal Revision Case is dismissed with liberty to the petitioner to file a petition before the learned Judicial Magistrate No.I, Madurai, for return of property and if the petition is so filed, the Judicial Magistrate No.I, Madurai, is directed to take the same on file and decide the petition on merits according to law, within a period of two months.

21.04.2025

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

To

- 1.The Judicial Magistrate No.1,
Madurai.
- 2.The Inspector of Police,
Cyber Crime Police Station,
Madurai City.
(Crime No.49 of 2024)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Order made in
CrI.R.C(MD)No.1326 of 2024

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