

Crl.R.C.(MD).Nos.74 and 95 of 2025

'BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 19.02.2025

PRONOUNCED ON : 07.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)Nos.74 and 95 of 2025

Crl.R.C.(MD)No.74 of 2025:

Sundaram

... Petitioner / Owner of the vehicle

Vs.

State through
The Inspector of Police,
Sivakasi Nagar Police Station,
Sivakasi.
(In Crime No.644/2013)

... Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 of BNSS Act 2023 to call for the records relating to the order dated 17.03.2023 made in Cr.M.P.No.5878 of 2021, on the file of the learned Judicial Magistrate Court No.1, Sivakasi and set aside the same as illegal and entrust the custody of the amount with accrued interest to the petitioner.



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Crl.R.C.(MD)No.95 of 2025:

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Mohamed John

... Petitioner / Owner of the vehicle

Vs.

State of Tamil Nadu through
The Inspector of Police,
Sivakasi Nagar Police Station,
Sivakasi.
(In Crime No.644/2013)

... Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 of BNSS Act 2023 to call for the records relating to the order dated 17.03.2023 made in Cr.M.P.No.5879 of 2021, on the file of the learned Judicial Magistrate Court No.1, Sivakasi and set aside the same as illegal and entrust the custody of the amount with accrued interest to the petitioner.

For Petitioner
in both petitions : Mr.E.Mareeshkumar

For Respondent
in both petitions : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



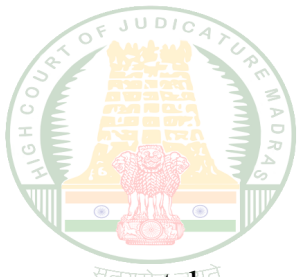
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COMMON ORDER

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These Criminal Revisions are directed against the orders passed in Cr.M.P.No.5878 of 2021 and Cr.M.P.No.5879 of 2021, dated 17.03.2023, on the file of the Court of the Judicial Magistrate No.I, Sivakasi, partly allowing the petition for returning the case property.

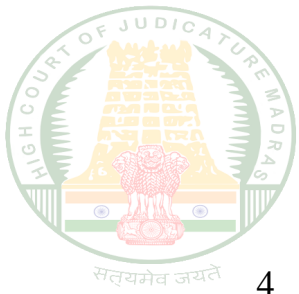
2. The case of the prosecution is that when the respondent police was on surveillance duty at about 06.00 hours on 20.07.2013 in Sivakasi to Thiruthangal road near Bell Hotel, they have noticed parking of Amni Van bearing Registration No.KA-08-M-0918 and after seeing the police, they have hurriedly started the vehicle, that the police party stopped the vehicle and on search, they found that the accused were in possession of Rs.3,00,000/- and on enquiry, they came to know that the accused planned to exchange fake currency in the value double for the original currency. On the basis of the complaint given by the Sub-Inspector of Police, F.I.R., came to be registered in Cr.No.644 of 2013 for the alleged offences under Sections 489(c) and 120(b) I.P.C. During the investigation, they have submitted a report to the jurisdictional Magistrate Court altering the offences as under Sections 420 and 120(b) I.P.C. After completion of investigation, the respondent police laid the final report and the same was



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taken cognizance in C.C.No.441 of 2023 against ten accused including the petitioners herein. Admittedly, the police party had seized Rs.1,50,000/- each from the accused 1 and 5, who are the petitioners herein.

3. Both the petitioners have filed applications in Cr.M.P.No.8964 of 2013 and Cr.M.P.No.8705 of 2013 before the Judicial Magistrate Court, Sivakasi seeking interim custody of the amount recovered from them and that the learned Magistrate considering the objections raised by the respondent police, dismissed the petitions vide order dated 17.09.2013. Challenging the dismissal order, the petitioners have preferred revisions before this Court in Crl.R.C.(MD)Nos.6 of 2014 and 5 of 2014 and this Court has passed an order permitting the petitioners to receive the amount on executing a bond for Rs.1,50,000/- each with two sureties and also directing the petitioners to execute a bond to the effect that a sum of Rs.3,00,000/- would be deposited in the Court, if the case ended in conviction. But both the petitioners have not chosen to receive the amounts by complying the conditions imposed by this Court. Consequently, the learned Magistrate has deposited the said amount in the State Bank of India, Sivakasi, under investment scheme.



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4. It is evident from the records that the trial was proceeded and the learned Magistrate has passed a judgment dated 24.10.2019 acquitting the accused and also directed for returning of Rs.3,00,000/- amount available in Court deposit to its owners, after the expiry of the appeal period. After the passing of the judgment of acquittal by the trial Court, the petitioners have filed applications in Cr.M.P.Nos.5878 and 5879 of 2021 seeking return of the amount of Rs.2,54,073/- available in the Court deposit to the petitioners' bank accounts through e-transfer. The learned Magistrate, after enquiry, has passed the impugned order directing for return of Rs.1,50,000/- each to the petitioners and confiscated the interest amount and another amount of Rs.3,300/- recovered from the other accused. Challenging the impugned order, the present revisions came to be filed.

5. It is pertinent to note that the petitioners alone have been claiming the said amount as their own money. It is not the case that the respondent police disputed the ownership nor any rival claims are being made. As already pointed out, this Court, after enquiry, has passed an order for returning of the seized amount to the petitioners. Moreover, it is not the case of the prosecution that the State has preferred an appeal challenging the judgment of the acquittal. Even the



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learned Magistrate in the impugned order has specifically observed that no appeal came to be filed challenging the acquittal judgment. As rightly contended by the learned Counsel for the petitioners, the learned Magistrate in the acquittal judgment itself, should have ordered for the return of the amount seized along with interest to the petitioners who are the accused therein. But instead, passed a vague order for handing over the amount of Rs.3,00,000/- to its owner after the expiry of the appeal period. When admittedly the amount was owned by the petitioners and the same came to be seized from their possession, they are certainly entitled to get the interest derived from the deposits made by the Court. It is shocking and surprising to notice the reasons assigned by the learned Magistrate for rejecting the interest accrued and for confiscating the same to the State. The reason assigned is that the petitioners have not calculated the interest properly nor made the the claim correctly. As already pointed out, the deposit was made by the concerned Court and it is for them to get the particulars of the interest accrued and to apportion them between the petitioners. The other reason is that since this Court has only directed the petitioners to receive Rs.1,50,000/-, he was inclined to order for return of Rs.1,50,000/-. This Court is at lost to understand as to how such a reasoning is made, as this Court at the initial stage and more importantly before depositing the amount in the Bank, has directed for



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return of the amount seized from the petitioners and that since the amount was not claimed, the then Magistrate has rightly put the amount in a Bank deposit.

6. Considering the above, the impugned order rejecting the claim for the interest accrued cannot legally be sustained and as such, the same is liable to be set aside.

7. In the result, both the Criminal Revision Cases are allowed and the learned Magistrate is directed to issue necessary orders directing the State Bank of India, Sivakasi Main Branch to transfer the amount of Rs.1,50,000/- each and accrued interest equally to the petitioners' Bank accounts.

07.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

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To

1. The Judicial Magistrate Court No.1, Sivakasi.

2. The Inspector of Police,
Sivakasi Nagar Police Station,
Sivakasi.

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



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K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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