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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 1751 of 2026

CNR: {HCMA011473682026}

R.Rajasekar, S/o. Rangumani,
B.D.B. Block, 8th Floor, Alta Vida Yuga Homes,
SSN College Opposite, Kelambakkam,
Thiruporur Taluk, Chengalpattu 603 103.

..Petitioner(s)

Vs

The State Represented by the Inspector of Police
Cyber Crime Wing, Central Crime Branch,
Tambaram City Police, Chennai-600 119.

..Respondent(s)

Prayer:- This Criminal Revision Case is filed to set aside order passed in Crl.MP.No.2844 of 2025, dated 24-11-2025, by the Judicial Magistrate No.II, Chengalpattu.

For Petitioner(s): Mr.M.V.Seshachari

For Respondent(s): Mr.M.Dinesh, GA (Criminal Side)

ORDER

1. This Criminal Revision Case is filed to set aside order passed in Crl.MP.No.2844 of 2025, dated 24-11-2025, by the Judicial Magistrate No.II, Chengalpattu.

2. The facts of the case, in a nutshell, are that the Revision Petitioner had been defrauded by unknown persons through online to the tune of Rs.31,04,973/- in the year 2025 and that the Revision Petitioner had filed a complaint before

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the Respondent Police, seeking return of his cash. During the course of investigation, the Respondent Police had freezed the accounts of the fraduster accounts. Hence, the Petitioner had filed the above petition, seeking return of a sum of Rs.1,82,869/- freezed by the Respondent Police. Before the Trial Court, the Respondent Police has stated that they have no objection to return the money to the Petitioner. However, by the impugned order, the Trial Court had dismissed the Petition on the ground that the claim of the Revision Petitioner was not proved and that the identity of the Revision Petitioner was not verified. Hence, this Criminal Revision Case has been filed by the Revision Petitioner/ accused, seeking the relief, as stated above.

3. This Court heard Mr.M.V.Seshachari, the learned counsel for the Revision Petitioner and Mr.M.Dinesh, the learned Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused the entire materials placed on record.

4. Before the Trial Court, the Respondent Police had stated that they have no objection in returning the said freezed amount to the Revision Petitioner herein. Even after such reply from the Respondent Police, the Trial Court failed to return the money to the Revision Petitioner, which is unlawful.

5. Before this court, the Respondent Police has filed counter affidavit, dated 30.10.2026, which is taken on record. It is admitted in the counter affdidavit filed by the Respondent Police that the total loss sustained by the Revision Petitioner/victim is Rs.31,04,973/-, out of which, a sum of Rs.1,82,869/- was

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available and the same was frozen under Section 106 of BNSS and that the sum of Rs.1,82,869/- forms part of the cheated amount of Rs.31,04,973/- from the Revision Petitioner.

6. It is also stated in the counter affidavit of the Respondent Police that the investigation and money trail mapping established that the sum of Rs.1,82,869/- is presently lying in beneficiary bank accounts and that merely because the funds have passed through multiple aaccounts, it does not dilute the complainant's proprietary interest, when the transaction trail is intact and legally established.

7. It is also stated by the learned Government Advocate (Criminal Side) for the Respondent Police that for the purpose of restoration of property to the Revision Petitioner, the Ministry of Home Affairs, has formulated a Standard Operating Procedure (SOP), dated 02.01.2026, which introduced five distinct processes and any one of such prescribed procedures may be adhered to restoring the money to the Petitioner. One such process for restoration of money to the Petitioner is that ***"if the Petitioner approaches the Police, Process (1): Interim process for giving interim custody of the amount put on hold or under seizure to the victim under Section 106 of BNSS where there is a single victim."***

8. Considering the counter affidavit filed by the Respondent Police and the Standard Operating Procedure (SOP), dated 02.01.2026 and also the fact that the Respondent Police has no objection to release the amount in question in

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favour of the Revision Petitioner, this Criminal Revision is allowed. The Respondent Police is directed to release the said sum of Rs.1,82,869/- in favour of the Revision Petitioner, within a period of four weeks from the date of receipt of a copy of this order. The concerned Banks shall also cooperate in releasing the money in favour of the Revision Petitioner.

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SRCM

To

1. Judicial Magistrate No.II, Chengalpattu.
2. The Inspector of Police, Cyber Crime Wing, Central Crime Branch, Tambaram City Police, Chennai-600 119.

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SHAMIM AHMED, J.

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