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CRL RC No. 2695 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2695 of 2025

1. R.Kumar

Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police
B-2, Vishnu Kanchi Police Station, Kancheepuram.

Respondent(s)

PRAYER

To set aside the order dated 15.07.2022 passed in Crl.MP.NO.2673 of 2022 by the Judicial Magistrate No.I, Kancheepuram and thus render justice.

For Petitioner(s): N.Sudharsan

For Respondent(s): R.Vinoth Raja
Government Advocate (criminal Side)

ORDER

The petitioner challenges the order dismissing the petitioner's application seeking return of a cash sum of Rs.8,53,000/-, which was seized during the course of investigation in Crime No.421 of 2024.

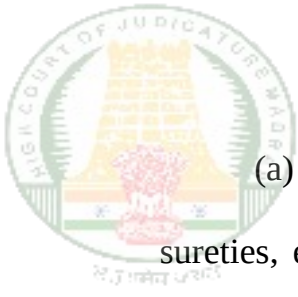


2. The petitioner is an accused in Crime No.421 of 2024 and was found in possession of banned tobacco products. A sum of Rs.8,53,000/- and a mobile phone were seized from his premises. The petitioner sought return of the said cash on the ground that the said recovery was the collection made in chit fund business run by him. The Trial Court dismissed the said petition on the ground that the money is proceeds of crime and, therefore, could not be returned. The prayer for return of the mobile phone was also dismissed on the ground that it had been sent for forensic examination.

3. The learned counsel for the petitioner would submit that the money belongs to the petitioner and his wife, who were jointly running a chit business.

4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent and perused the materials available on record.

5. Admittedly, the contraband seized from the petitioner was small quantity. It is not the case of the respondent that the seized cash is stolen property or that it had created suspicion of the commission of any offence so as to attract the provisions of Section 106 of the BNSS. If it is the case of the respondent that the cash found in the prosecution of the petitioner was proceeds of crime, it is needless to say that they can invoke Section 107 BNSS. Hence, this Court is inclined to direct return of the sum of Rs.8,53,000/- to the petitioner, subject to the following conditions:



(a) The petitioner shall execute a bond for a sum of Rs.5,00,000/-, with two sureties, each for a like sum, to the satisfaction of the learned Judicial Magistrate No.I, Kancheepuram; and

(b) The petitioner shall produce the cash as and when required by the learned Magistrate.

6. It is made clear that the respondent shall be at liberty to seek attachment of the said property under Section 107 of the BNSS provided the stipulated conditions therein are satisfied. However, this Court is not inclined to direct return of the mobile phone to the petitioner, as the same has been sent for forensic examination.

7. Accordingly, this criminal revision case is allowed.

02-02-2026

skr

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. Learned Judicial Magistrate No.I, Kancheepuram.
2. The Inspector of Police, B-2, Vishnu Kanchi Police Station, Kancheepuram.
3. The Public Prosecutor, Madras High Court, Chennai.



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SUNDER MOHAN J.
skr

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