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CRL RC No. 2802 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2802 of 2025

K.Ramesh Kumar
S/o.Kesava Pillai,
A2403 Emami Tejomaya, Egattur,
Near Navalur Toll Gate,
OMR, Egattur, Kanchipuram District.

..Petitioner(s)

Vs

The State Rep.by Inspector of Police
Cyber Crime Division-I,
O/o.The Commissioner of Police,
Tambaram.CSR.No.482/2025

..Respondent(s)

Prayer: This Criminal Revision Petition is filed under Section 438 & 442 of BNSS Act, 2023, to set aside the order passed in Crl.MP.No.2865 of 2025 dated 04.12.2025 by the learned Judicial Magistrate No-II, Chengalpet and thereby allow the petition by the petitioner seeking the relief of return of cash of Rs.32,92,386/- as interim custody.

For Petitioner(s):

Mr.N.Poovanalingam

For Respondent(s):

Mr.Hasan Mohamed Jinnah
State Public Prosecutor Asst. By
Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor
and Mr.R.Vinothraja
Government Advocate(Criminal Side)



ORDER

The Revision challenges the order passed by the learned Magistrate dismissing the petitioner's claim for return of cash that was lost by him in an on-line fraud and seized by the respondent police during the course of investigation.

2.It is the case of the petitioner that he had suffered a total loss of Rs.2,23,87,000/- in an on-line fraud; that the respondent have frozen the account of an accused; that he had filed a petition before the learned Magistrate for return of cash seized in that account; and the learned Magistrate dismissed the said petition on the ground that the petitioner had failed to establish the nexus between the amounts frozen and the amounts that was transferred from his account.

3.This Court is of the view that there is no infirmity in the impugned order. However, it is seen that the Hon'ble Supreme Court in a recent case in WP(Crl) No.3/2025 and WP(Crl) No.15/2026 had held that the investigating agencies and the Courts have to follow the Standard Operating Procedure (SOP) issued by the Ministry of Home Affairs for dealing with registration and investigation of cases of on-line fraud and cheating and also for disposal of property/money seized in such cases.



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4. Therefore, the matter is remanded back to the trial Court and the trial Court shall consider the request of the petitioner on merits by following the SOP, within a period of six (6) weeks from the date of receipt of a copy of this order, after giving notice to all the interested parties.

5. With the above observations, the Revision is disposed of.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG

To

1. The Judicial Magistrate No-II,
Chengalpet.

2. The Inspector of Police
Cyber Crime Division-I,
O/o. The Commissioner of Police,
Tambaram.

3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

TSG

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