



Crl.O.P.(MD).No.10889 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.10889 of 2026

A.Amsath

... Petitioner/
Petitioner

Vs

The Inspector of Police,
Cyber Crime Department,
CCD-III,
Madurai City.
(Crime No.141 of 2025)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the diary order passed in Crl.M.P.No.8812 of 2025 dated 27.02.2026 by the learned Judicial Magistrate No.1, Madurai and consequently direct the learned Judicial Magistrate No.1, Madurai to pass an order to return the alleged amount to the petitioner.

For Petitioner : Mr.V.Kishore Kumar

For Respondent : Mr.P.Samuel Gunansingh
Government Advocate (Crl.Side)



Crl.O.P.(MD).No.10889 of 2026

ORDER

WEB COPY

The present Criminal Original Petition is listed today under the caption “for maintainability”. After going through the papers, this Court is of the considered opinion that the objection raised by the Registry is not sustainable and it is negatived.

2. A perusal of the records reveal that the petitioner herein is a victim of digital arrest, wherein the petitioner had lost a sum of Rs.30,00,000/-. Based upon the complaint lodged by the petitioner, FIR in Crime No.141 of 2025 has been registered and the accused has been arrested. The bank account of the accused person has been frozen and it was found to have a sum of Rs.7,00,000/- The said Rs.7,00,000/- amount has been transferred to the Court deposit in R.T.No.14 of 2026, on the file of Judicial Magistrate No.1, Madurai.

3. The petitioner herein had filed Crl.M.P.No.8812 of 2025 for return of the said Rs.7,00,000/-. The said application came up for hearing on 27.02.2026, and the Court had ordered notice. Challenging the said order, the present petition has been filed.



Crl.O.P.(MD).No.10889 of 2026

WEB COPY

4. According to the learned counsel appearing for the petitioner, BNS does not contemplate serving of any notice to the accused person in an application filed for return of property. Therefore, he wants to quash the said order and to direct the learned Judicial Magistrate to pass an order in his application in Crl.M.P.No.8812 of 2025 on merits.

5. Per contra, the learned Government Advocate appearing for the respondent submitted that the accused person was granted bail in Crl.O.P(MD) No.1199 of 2020 on 28.01.2026 with a condition to deposit a sum of Rs.3,00,000/-. The accused person had filed Crl M.P.No.2746 of 2026 seeking modification of the said condition and the same was allowed on 06.02.2026 with a direction to the accused person to appear before the jurisdictional police for a period of two weeks. In such circumstances, according to him, the amount of Rs.3,00,000/- has not been deposited. He further submits that the accused person is not traceable and he is likely to have been arrested in some other case.

6. Heard the learned counsel appearing for the petitioner and perused the materials available on record.



Crl.O.P.(MD).No.10889 of 2026

WEB COPY

7. As far as the plea of the petitioner that notice to accused person is not necessary, this Court is of the considered opinion that the amount of Rs.7,00,000/- having been recovered from the bank account of the accused person, the defence of the accused persons has to be necessarily heard before the amount is disbursed to the defacto complainant.

8. The petitioner is at liberty to take notice to the address of the accused person mentioned in the bail petition filed before the High Court. Depending upon the service, the trial Court is directed to dispose of the petition.

9. With the above said observation, this Criminal Original Petition is disposed of.

12.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi



Crl.O.P.(MD).No.10889 of 2026

WEB COPY

To

1. The Judicial Magistrate No.I,
Madurai.
2. The Inspector of Police,
Cyber Crime Department,
CCD-III,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD).No.10889 of 2026

R.VIJAYAKUMAR,J.

ebsi

CrI.O.P(MD)No.10889 of 2026

12.06.2026