



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Criminal Original Petition(MD) No.16845 of 2015

1.R.M.Nibisha Banu
2.T.Yoga
3.A.Shajahan

: Petitioners

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Sivagangai District.

: Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the learned Judicial Magistrate No.1, Sivagangai to release the amount of RS.25,000/- each to the petitioners herein which was credited in the account of Crime No.27 of 2011 on the file of the District Crime Branch, Sivagangai immediately and pass such other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioners :Mr.B.Santhanam Rajeshkumar

For Respondent :Mr.P.Kannithevan,

Government Advocate(Crl. Side)

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the learned Judicial Magistrate No.1, Sivagangai to release the amount of Rs.25,000/- each to the petitioners herein which was credited in the account of Crime No.27 of 2011 on the file of the District Crime Branch, Sivagangai immediately.

2. Heard both sides.

3.The petitioners are arrayed as A1, A2 and A5 in Crime No.27 of 2011 on the file of the respondent police and they approached this Court in Crl.O.P.No.12987 of 2011 for anticipatory bail and in that, the following order has been passed:

"The petitioners namely A1, A2 and A5 shall deposit a sum of Rs.25,000/- each to the credit of Crime NO.27 of 2011 on the file of the learned Judicial Magistrate No.I, Sivagangai"

According to the learned counsel for the petitioners, in pursuance of that order, the petitioners have deposited Rs.25,000/- each to the credit of Crime No.27 of 2011. After due enquiry, the case in Crime No. 27 of 2011 has been closed as 'mistake of fact' and referred charge sheet has been filed before the learned Judicial Magistrate No.1, Sivagangai



and on 17.06.2013, the protest application filed by the defacto complainant also has been dismissed.

4. In this background, the learned counsel for the petitioner seeks a direction to the learned Judicial Magistrate No.1, Sivagangai to release the amount of Rs.25,000/- each to the petitioners herein which was credited in the account of Crime No.27 of 2011 on the file of the District Crime Branch, Sivagangai immediately.

5. Considering the facts and circumstances of the case, I am of the view that the petitioners are entitled to that amount which was in the credit of Crime No.27 of 2011.

6. The learned Judicial Magistrate No.I, Sivagangai, is directed to release the amount of Rs.25,000/- each to the petitioners herein which was credited in the account of Crime No.27 of 2011, as per rules.

7. Accordingly, this petition is ordered.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.1, Sivagangai.

2.The Inspector of Police, District Crime Branch,
Sivagangai District.

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

+1CC to Mr.Santhanam Rajesh Advocate Sr.No.50553

GJM/NGM/SS/9.9.15-2P-5C

Order made in
Crl.O.P. (MD) No.16845 of 2015
Dated: 01.09.2015