

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.09.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.20875 of 2016

T.S.Krishnan

... Petitioner

Vs.

1. V.Patrick Kennedy

2. Inspector of Police,
B-3, St. George Fort Police Station,
Chennai. ... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the learned Magistrate for paymentout of the sum of Rs.4,00,000/- (Rupees Four lakhs only) now lying in Court deposit to the credit of Cr. No.34 of 2016 to the petitioner/defacto complainant.

For Petitioner : Mr.G.Radhakrishnan

For Respondent : Mr.C.Emalias

No.1 Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the Magistrate for paymentout of the sum of Rs.4,00,000/- (Rupees Four lakhs only) now lying in Court deposit to the credit of Cr. No.34 of 2016 to the petitioner/defacto complainant.

2. Heard Mr.G.Radhakrishnan, the learned Counsel appearing for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the 2nd Respondent.

3. On a complaint lodged by the petitioner, the respondent police registered a case in Crime No.34 of 2016 on 13.03.2016 under Section 420 IPC against one Patrick Kennedy. The Patrick Kennedy filed a Cr1.OP. No.4201 of 2016 for an anticipatory bail in Crime No.34 of 2016. This Court, while granting anticipatory bail to the Patrick Kennedy, passed the following orders;

"6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Metropolitan Magistrate, No.VII, George Town and on executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four lakhs only) to the credit of Crime No.34 of 2016 on the file of the concerned Court within a period of four weeks from today and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr. P.C. scrupulously."

Pursuant to the order passed by this Court, Patrick Kennedy has deposited a sum of Rs.4,00,000/- (Rupees Four lakhs only) before the VII Metropolitan Magistrate, George Town, in Crime No.34 of 2016.

4. While so, the petitioner, who is the defacto complainant, has filed a petition in CrI.M.P.No.1842 of 2016 before the VII Metropolitan Magistrate, George Town, Chennai, for a direction to disburse the sum of Rs.4,00,000/- (Rupees Four lakhs only) to the petitioner, which was dismissed by the VII Metropolitan Magistrate, aggrieved by which, the petitioner is before this Court.

5. The VII Metropolitan Magistrate, has dismissed the petition on the ground that the sum of Rs.4,00,000/- (Rupees Four lakhs only) has been deposited, pursuant to the order passed by this Court in anticipatory bail application and therefore, the VII Metropolitan Magistrate, has no power to disburse the amount without the order of the Hon'ble High Court.

6. This Court does not find any infirmity in the order passed by the VII Metropolitan Magistrate, George Town, Chennai. However, it is open to the petitioner to file a miscellaneous petition in CrI.O.P.No.4201 of 2016, praying for a direction to this Court for disbursement of Rs.4,00,000/- (Rupees Four lakhs only) to him and workout his remedy in the manner known to Law. Until then, the VII Metropolitan Magistrate, is directed to invest the sum of Rs.4,00,000/- (Rupees Four lakhs only) in a fixed deposit account in a Nationalised Bank, so that, the money could accrue some interest instead of money lying idle in

the treasury.

In the result, the criminal original petition is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sms/jv

To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
 - 2 -do- Chief Metropolitan Magistrate, Chennai
 3. Inspector of Police,
B-3, St. George Fort Police Station,
Chennai.
 4. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr. G. Radhakrishnan, Advocate Sr.No.53203

Crl.O.P.No.20875 of 2016

RSY (CO)
MD : 20/10/2016

सत्यमेव जयते

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