

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.OP No.5675 of 2016

1.M.Rathina Sabhpathy
2.G.Sankar

.. Petitioners

Vs

State rep. by its,
The Inspector of Police,
Puthuchathiram Police Station,
Cuddalore District.
(Crime No.279 of 2011)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to pass an order by allowing the petitioners herein to withdraw a sum of Rs.1,45,000/- from the account of Cr.No.279 of 2011 from the file of the learned District Munsif-cum-Chief Judicial Magistrate, Portonova, Cuddalore District.

For Petitioners : Mr.S.Madhusudanan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to withdraw the amount of Rs.1,45,000/- deposited in Crime No.279 of 2011 pending on the file of the learned District Munsif-cum-Chief Judicial Magistrate, Portonova, Cuddalore District.

2.The learned counsel for the petitioners would submit that while granting anticipatory bail, this Court had directed the petitioners to deposit a sum of Rs.1,45,000/- to the credit of the crime numbers. Accordingly, the petitioners have deposited the said sum on 24.11.2011. It is further submitted that after investigation, the respondent has closed the case as mistake of fact and also filed a report to that effect before the learned Judicial Magistrate, Portonova, on 31.07.2013. In view of the subsequent developments, the petitioners are entitled to withdraw the said amount.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the respondent after conducting proper investigation closed the case as mistake of fact and also file the report on 31.07.2013.

4.Considering the above facts, this Court is inclined to allow the application, permitting the petitioners to withdraw a sum of Rs.1,45,000/- lying in the credit of Crime No.279 of 2011, on the file of the District Munsif-cum-Chief Judicial Magistrate, Portonova, Cuddalore District.

This Criminal Original Petition is allowed accordingly.
smi

-s/d-

Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

1. The District Munsif-cum-Chief Judicial Magistrate, Portonova, Cuddalore District.
2. The Public Prosecutor, High Court, Madras.

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