

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.6351 of 2016

1.M.A.Shivakumar
2.M.A.Sampathkumar
3.M.A.Anand Kumar
4.R.Soundararajan ... Petitioners

Vs.

1.Sundaram Finance Ltd.,
Rep., by T.N.Ashok, Manager Legal,
No.81, Patullos Road,
Chennai - 600 006.
2.Sub Inspector of Police
Central Crime Branch, Team - IV,
Egmore, Chennai. ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Chief Metropolitan Magistrate, Egmore at Allikulam to refund the Sum of Rs.30,000/- (Rupees Thirty Thousand Only) each (along with interest) deposited in the Treasury of Metropolitan Magistrate Court, Egmore towards case security and the Original document of the immovable property in pursuance of the order of this Hon'ble Court dated 27.04.2006 in Crl.O.P.No.10851 of 2006 in Crime No.19 of 2006, Central Crime Branch, Team - IV, Egmore, Chennai.

For Petitioners : Mr.A.S.Baalaji

For Respondents : Mr.T.Srinivasaraghavan for R1
Mr.C.Emalias for R2
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the learned Chief Metropolitan Magistrate, Egmore at Allikulam to refund the Sum of Rs.30,000/- (Rupees Thirty Thousand Only) each (along with interest) deposited in the Treasury of the

Metropolitan Magistrate Court, Egmore towards case security and the Original document of the immovable property in pursuance of the order of this Court dated 27.04.2006 in Crl.O.P.No.10851 of 2006 in Crime No.19 of 2006, Central Crime Branch, Team - IV, Egmore, Chennai.

2.Heard the submissions made by the learned counsel appearing on either side.

3.The learned counsel for the petitioner would submit that the petitioners, when they were enlarged on anticipatory bail in Crl.O.P.No.10851 of 2006 on 27.04.2006, were directed to deposit Rs.30,000/- each. So it is appropriate to incorporate

"(1)Each one of the petitioners is directed to furnish immovable property security for the value of Rs.15,00,000/- (Rupees Fifty lakhs only) either through themselves or through any one of their relatives.

(2)Each one of the petitioners, in addition to furnishing immovable property security, shall offer cash security of Rs.30,000/- each."

That has been deposited by the petitioners. After that, referred charge sheet has been filed. Then protest petition has been filed by the defacto complainant/ first respondent herein. It was taken as C.C.No.4311 of 2009 and the case has been settled between the parties. Complaint has been withdrawn. The petitioners/ accused are ordered to be discharged. Now, they have come forward with this petition for refund of cash security and the original document of the immovable property furnished by them.

4.The learned Additional Public Prosecutor fairly conceded the same.

5.The learned counsel for the first respondent has stated no objection.

6.Recording the same, since the petitioners herein had deposited the amount of Rs.30,000/- each as per the order passed by this Court in Crl.O.P.No.10851 of 2006 dated 27.04.2006 and now the case has been withdrawn and the petitioners were discharged from the charges, I am of the view that it is a fit case for directing the learned Chief Metropolitan Magistrate, Egmore at Allikulam to refund the amount already deposited in Crime No.19 of 2006 as per the order of this Court in Crl.O.P.No.10851 of 2006 dated 27.04.2006, within a period of four weeks from the date of receipt of a copy of this order. Further, the original document

furnished by them as per the first condition is also been ordered to be returned to the petitioners on acknowledgement.

7.The Criminal Original Petition is disposed of with the above directions.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1. The Chief Metropolitan Magistrate
Egmore, at Allikulam

2. The Metropolitan Magistrate
Egmore

3.The Sub Inspector of Police
Central Crime Branch, Team - IV,
Egmore, Chennai.

4.The Public Prosecutor
High Court, Madras.

1 cc to Mr.A.S. Baalaji, Advocate, Sr. 27327

Cr1.O.P.No.6351 of 2016

RSY (CO)
kk 18/5

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