



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.12883 of 2013

Nallusamy

... Petitioner

-vs-

The Inspector of Police,
District Crime Branch,
Tiruchirappalli District,
Tiruchirappalli.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate, Lalgudi, Tiruchirapalli District to refund the deposit of Rs.50,000/- made by the petitioner as per the order of this court in Crl.O.P.No.1891 of 2003 dated 24.01.2003 in Crime No.1 of 2003 on the file of the respondent.

For Petitioner : Mr.A.Hajamohideen

For Respondents : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking a direction to the learned Judicial Magistrate, Lalgudi, Tiruchirapalli District to refund the deposit of Rs.50,000/- made by the petitioner as per the order of this court in Crl.O.P.No.1891 of 2003 dated 24.01.2003 in Crime No.1 of 2003 on the file of the respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. When the case in Crime No.1 of 2003 was registered against the petitioner under Section 420 IPC, this Court, while granting anticipatory bail to the petitioner, by order dated 24.01.2003, imposed the conditions that the petitioner shall deposit a sum of Rs.50,000/- in the Court of learned Judicial Magistrate, Thiruvaiyaru.

4. There had been several rounds of communication between this Court and the Trial Court and finally, on 22.04.2016, this Court had called for a report from the Judicial Magistrate, Thiruvaiyaru with regard to the availability of the deposit amount of Rs.50,000/-. Learned Judicial Magistrate, Thiruvaiyaru has sent a communication dated 23.05.2016 to this Court, where-under, he has stated that the amount deposited by the petitioner on 10.02.2003 has been remitted to the Sub Treasury, Thiruvaiyaru in Challan No.313 of 2002 dated 11.02.2003 and the said amount has been kept in the Criminal Court deposit.



5. Learned Government Advocate (Crl.Side) would submit that the complaint given against the petitioner has been closed as mistake of fact and referred charge sheet has also been filed before the concerned Court.

6. Under such circumstance, there is no justification in keeping the amount in the Court deposit. Therefore, Judicial Magistrate, Thiruvaiyaru is directed to return the amount of Rs.50,000/- to the petitioner forthwith.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To:

1.The Judicial Magistrate, Thiruvaiyaru

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

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

+One cc to Mr.A.Hajamohideen, Advocate, SR.No.47957

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