

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13257 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order dated 07.06.2016 passed in CrI.M.P.No.126 of 2016 in Cr.No.237 of 2011 by the learned V Additional Judicial Magistrate of First Class, Nellore.

It is alleged that the petitioner is one of the victims in the hands of the accused, who induced the petitioner and others and took away their gold ornaments and cash. Thereafter the police recovered the cash from the accused and deposited in a bank as per the orders of the trial Court. On such recovery and deposit, the petitioner filed CrI.R.C.No.1943 of 2012 and this Court through order dated 31.10.2012 directed the trial Court to return the cash of Rs.1,00,00,000/- which is exclusively belonged to the petitioner, on his executing a personal bond for the equivalent amount and for the value of the articles, with one surety. Thereafter, the petitioner filed CrI.M.P.No.126 of 2016 seeking permission to withdraw the interest accrued on the amount of Rs.1,00,00,000/- which was deposited by the Court below in a bank after recovery from the accused. The trial Court, however, rejected the request of the petitioner on the ground that case is pending for trial. Hence the present Criminal Petition.

It is not in dispute that the petitioner has withdrawn the amount of Rs.1,00,00,000/- which was deposited by the trial Court

in the bank after recovery from the accused. During the interregnum period of deposit by the Trial Court and withdrawal by the petitioner, some interest has accrued on the said amount. Since the said amount is exclusively belonged to the petitioner, he is entitled to claim the interest on the said deposited amount. However, the Court below erroneously rejected the request of the petitioner to withdraw the interest amount. Having considered the facts and circumstances of the case and as the trial in the crime is pending, the trial Court is directed to permit the petitioner to withdraw the interest accrued on the amount of Rs.1,00,00,000/- on his executing a personal bond for the like sum to the satisfaction of the trial Court.

Subject to the above, the Criminal Petition is disposed of. Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 16th September, 2016.
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