

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.Nos.4092 to 4094 of 2017

Sugananthan .. Petitioner in
Crl.O.P.No.4092/2017

Prakash .. Petitioner in
Crl.O.P.No.4093/2017

Muralitharan ... Petitioner in
Crl.O.P.No.4094/2017

Vs

State represented by
The Inspector of Police,
Crime Branch CID, Cyber Cell,
Q Branch Crime No.3 of 2013,
Chennai. .. Respondent in all the
Crl.OPs.

Crl.O.P.No.4092 of 2017 filed under Section 482 of the Criminal Procedure Code, to direct the learned Judicial Magistrate, Alandur to return the cash security of Rs.4,00,000/- (Rupees Four Lakhs Only) to the petitioner deposited by him pursuant to the common order passed by this Court dated 06.07.2013 in Crl.O.P.Nos.18138 to 18140 of 2013 as modified on 22.02.2014 in Crl.M.P.Nos.1 to 1 of 2014 to the credit of Crime No.3 of 2013 on the file of the Q Branch, CID, Chennai.

Crl.O.P.No.4093 of 2017 filed under Section 482 of the Criminal Procedure Code, to direct the learned Judicial Magistrate, Alandur to return the cash security of Rs.4,00,000/- (Rupees Four Lakhs Only) to the petitioner deposited by him pursuant to the common order passed by this Court dated 06.07.2013 in Crl.O.P.Nos.18138 to 18140 of 2013 as modified on 22.02.2014 in Crl.M.P.Nos.1 to 1 of 2014 to the credit of Crime No.3 of 2013 on the file of the Q Branch, CID, Chennai.

Crl.O.P.No.4094 of 2017 filed under Section 482 of the Criminal Procedure Code, to direct the learned Judicial Magistrate, Alandur to return the cash security of Rs.4,00,000/- (Rupees Four Lakhs Only) to the petitioner deposited by him

pursuant to the common order passed by this Court dated 06.07.2013 in CrI.O.P.Nos.18138 to 18140 of 2013 as modified on 22.02.2014 in CrI.M.P.Nos.1 to 1 of 2014 to the credit of Crime No.3 of 2013 on the file of the Q Branch, CID, Chennai.

For Petitioners : Mr.A.M.Rahamath Ali

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

COMMON ORDER

The petitioners are Canadian nationals. While they were on tour to India, they were arrested and remanded by the respondent to judicial custody on 29.05.2013 on the ground that they had committed offences punishable under Sections 120-B, 420, 46, 466, 471, 380 and 511 of IPC and Sections 66, 66C and 66B of the Information Technology Act. They were also granted bail by this Court by order dated 26.07.2013 and it was found that the sureties furnished by them were not genuine. Unable to meet the surety condition, the petitioners moved this Court to modify the bail condition and this Court modified the bail condition by the common impugned order directing each of them to deposit a sum of Rs.4,00,000/- as cash security. They also deposited the monies, so imposed and came out on bail. Again they were arrested while they were on tour to West Bengal and they underwent the sentence and they were kept at the Dum Dum Correctional Institute, Kolkata.

2.In the mean time, the investigation was transferred to the file of the respondent and the case was charge sheeted and taken cognizance by the learned XI Metropolitan Magistrate, Saidapet in C.C.No.904 of 2016. Subsequently, the bail granted to them were cancelled by this Court. It is also submitted that the petitioners were eventually convicted and sentenced to undergo rigorous imprisonment for two years by judgment dated 02.02.2017 and they are presently undergoing sentence in Central Prison, Puzhal which is likely to be completed in the third week of March 2017.

3.The learned counsel for the petitioners has submitted that in view of the fact that their sentence is likely to be completed in the third week of March 2017, they are entitled for the cash which they had deposited before the Court. Hence these Criminal Original Petitions.

4.I have heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for the petitioners.

5.Considering the facts and circumstances of the case, this Court is of the view that after the completion of the sentence, it is for the petitioners to approach the Magistrate concerned for return of the cash which they had deposited, by filing appropriate applications. If such applications are filed, the Magistrate shall consider the same and pass appropriate orders on merits.

6.The Criminal Original Petitions are disposed of accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Inspector of Police,
Crime Branch CID, Cyber Cell,
Q Branch Crime No.3 of 2013,
Chennai.
- 2.The Judicial Magistrate, Alandur, Chennai.
- 3.The Public Prosecutor, Madras High Court,
Chennai-600 104.

+6 ccs to Mr.A.M. Rahamath Ali, Advocate SR.17497, 17495 & 17496

सत्यमेव जयते

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of 2017

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