

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.06.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.8096 of 2017

Sakthivel

.. Petitioner

Vs

State represented by
Inspector of Police (Crime),
Podanur Police Station,
Coimbatore.

.. Respondent

Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondent to file no objection report before the learned Judicial Magistrate No.7, subsequently order to return the amount of Rs.50,000/- already deposited by the petitioner in Hon'ble Judicial Magistrate No.7, Coimbatore on 16.11.2015.

For Petitioner : Mr.K.Gangadaran
For Respondent : Mr.C.Emalias, APP

ORDER

The petitioner has filed this Criminal Original Petition seeking a direction to the respondent to file no objection report before the learned Judicial Magistrate No.7, Coimbatore, so as to enable the learned Magistrate to order to return the amount of Rs.50,000/- already deposited by the petitioner on 16.11.2015.

2.It is the case of the petitioner that as directed by this Court on 29.10.2015 in Crl.OP.No.25390 of 2015, the petitioner has deposited a sum of Rs.50,000/- before the learned Judicial Magistrate No.VII, Coimbatore on 16.11.2015. Since no FIR came to be registered against the petitioner, he has filed a petition dated 04.04.2017 under Section 452 Cr.P.C before the learned Judicial Magistrate No.7, Coimbatore, praying to return the amount of Rs.50,000/- already deposited by him. However, by order dated 06.04.2017, the learned Magistrate has returned the said petition with an endorsement "how this petition is maintainable before the lower court, when the High Court pronounced such deposit order". Hence, this Criminal Original Petition.

3.Heard the learned Additional Public Prosecutor appearing for the respondent, who, on instructions, submitted that no case has been registered or no FIR is pending against the petitioner herein.

4.In view of the submission so made by the learned Additional Public Prosecutor, this Court finds no reason to keep the deposit already made by the petitioner before the lower court endlessly. Hence, this Court permits the petitioner to represent the said petition filed under Section 452 Cr.P.C within a period of two weeks from the date of receipt of a copy of this order. On such representation, the learned Judicial Magistrate No.VII, Coimbatore shall accept the same and pass appropriate orders on merits and in accordance with law, within a period of two weeks thereafter.

5.Accordingly, this Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar (VI)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate No.VII, Coimbatore.

2.The Inspector of Police (Crime),
Podanur Police Station,
Coimbatore.

3.The Public Prosecutor, High Court, Madras - 104.

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