

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.5197 of 2017

M.Varadhan

[Petitioner]

Vs

1.State rep.by
The Inspector of Police,
J2 Police Station,
(Traffic Investigation),
Chennai.
Crime No.610/2016.

2.Vikash Anand

[Respondents]

Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai to release the compensation amount of Rs.2,50,000/- to the petitioner, out of the total compensation amount lying to the credit of Crime No.610 of 2016.

For Petitioner : Mr.E.Vijay Anand

For Respondents: Mr.C.Emalias,
Additional Government Pleader for R1

O R D E R

This Criminal Original Petition has been filed to issue a direction to the learned XVIII Metropolitan Magistrate, Saidapet, Chennai to release the compensation amount of Rs.2,50,000/- to the petitioner, out of the total compensation amount lying to the credit of Crime No.610 of 2016.

2.The petitioner states that he is a auto driver. On 19.09.2016, when the petitioner and other auto drivers were sleeping in the auto which was parked in the auto stand situated at the corner of the Cathedral Road, at about 3.30 a.m., the second respondent drove his Porsche Car bearing Reg.No.DL3F AP 0021 in a rash and negligent manner under the influence of alcohol and rammed into the parked autos. Due to the said impact, the petitioner suffered grievous injuries. He also took treatment in the hospital. When the second respondent filed a

bail application before this Court, this Court allowed the same on condition that he should deposit compensation amount for the victims. One of the condition in the order was to pay a sum of Rs.2,50,000/- to the three persons who suffered grievous injuries. The said amount was also deposited. Since the petition filed by the petitioner before the Lower Court praying for permission to withdraw his portion of the compensation from the deposited amount was rejected, the present Criminal Original Petition is filed.

3.The learned counsel for the petitioner submitted that even though the petitioner is entitled to withdraw his compensation amount, the same was not permitted by the learned Metropolitan Magistrate.

4.I have heard the learned Additional Public Prosecutor appearing for the first respondent as well.

5.Considering the facts and circumstances of the case, this Court directs the petitioner to file a petition along with necessary details as directed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai within a period of one week from the date of receipt of a copy of this order and on filing such petition, the learned Magistrate shall permit the petitioner to withdraw his respective compensation as ordered by this Court in CrI.O.P.No.22335 of 2016 dated 25.10.2016, within a period of three weeks thereafter.

6.The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KM
To

- 1.The Inspector of Police,
J2 Police Station, (Traffic Investigation),
Chennai.
 - 2.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
 - 3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.
- + 1 cc to MR.E. Vijay Anand, Advocate Sr.15683

CrI.O.P.No.5197 of 2017

AK(CO)
Eu 23.3.17