

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.5363 of 2017

K.Deivarasu

... Petitioner

Vs

The State rep. by its
the Inspector of Police,
J-2, Adyar Traffic Investigation
Chennai.

... Respondent

Criminal Original Petition has been filed under Section 482Cr.P.C. to direct the learned XVIII Metropolitan Magistrate, Saidapet, Chennai-15 to disburse the compensation amount of Rs.1,00,000/- by allowing the application, which was filed by the petitioner on 23.11.2016 in Crime No.610 of 2016.

For Petitioner : Mr.R.Rajasekaran

For Respondent : Mr.Muhammed Riyaz, GA (Crl.Side)

ORDER

The present criminal original petition has been filed seeking a direction to the learned XVIII Metropolitan Magistrate, Saidapet, Chennai-15 to disburse the compensation amount of Rs.1,00,000/- by allowing the application, which was filed by the petitioner on 23.11.2016 in Crime No.610 of 2016.

2. It is the case of the petitioner that he is an auto driver and is running an auto bearing Regn.No.TN-04-AL-4280 on lease basis. He is one of the victims in the accident occurred on 19.09.2016. Pursuant to the same, a FIR in Crime No.610 of 2016 was registered by the respondent police against the accused, in which, all the damaged autos and other vehicle names and numbers have been mentioned. However, due to inadvertent mistake, registration number of vehicle of the petitioner was wrongly mentioned as TN-05-AL-4280 instead of TN-04-AL-4280. When the same was brought to the notice of the respondent, the

petitioner was informed that the same was rectified while filing the charge sheet. Be that as it may, one of accused filed a petition in Crl.OP.No.22154 of 2016 seeking bail. By order dated 25.10.2016, the accused was granted bail imposing certain conditions. One of the conditions was that the accused shall pay a sum of Rs.1,00,000/- each as compensation to the owners of the 12 auto rickshaws that were damaged in the accident on or before 10.11.2016. As per the said direction of this Court, the accused has deposited the above said amount to the credit of Crime No.610 of 2016 before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai. Thereafter, this Court, by order dated 17.11.2016, directed the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, to disburse the amount deposited by the accused to the respective victims. However, when the petitioner being one of the victims, filed a petition on 23.11.2016 before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, to return the compensation amount, the same was returned by the learned Magistrate. Hence, the petitioner has come up with the present petition for the above stated relief.

3. Learned counsel appearing for the petitioner submitted that even though the petitioner is entitled to withdraw the compensation amount, the learned Magistrate returned the petition filed by him. Learned counsel further submitted that by order dated 25.01.2017 in Crl.OP Nos.773 to 778 of 2017, similar petitions filed by other victims were ordered by permitting the petitioners therein to withdraw their respective amounts. Therefore, learned counsel prayed for similar order in this petition as well.

4. I have also heard the learned Government Advocate (Crl.Side) and perused the entire materials available on record.

5. This Court, by order dated 25.01.2017, disposed of the petitions in Crl.OP.Nos.773 to 778 of 2017 filed by the similar victims in Crime No.610 of 2016, in the following terms:

"6. Considering the above facts and circumstances of the case, this Court directs the petitioners to file individual petitions 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 petitions, the learned Magistrate is directed to permit the petitioners to withdraw their respective amounts as ordered by this Court in Crl.O.P.No.22335 of 2016 dated 17.11.2016, within a period of three weeks thereafter. All the criminal original petitions are ordered accordingly."

Following the above said order, this Court is inclined to dispose of the present petition.

6. Accordingly, this Criminal Original Petition is disposed of with a direction to the petitioner to represent the petition along with necessary details as directed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on such representation, the learned Magistrate is directed to permit the petitioner to withdraw the compensation amount as ordered by this Court in CrI.O.P.No.22335 of 2016 dated 17.11.2016, within a period of three weeks thereafter.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
J.2 Police Station (Traffic Investigation),
Adyar, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R. Thirumoorthy, Advocate sr 36482

WEB COPY

CrI.O.P.No.5363 of 2017

KK(CO)
sp/1/6