



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH**Crl.O.P.(MD) No.4446 of 2017**

1.A.Rajamanickam

2.J.A.Moses

3.S.Ramachandran @ Kumar ... Petitioners/Accused 1-3

-vs-

The State rep. by
the Inspector of Police,
Siruganur Police Station,
Trichy District.
In Crime No.83 of 2016

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to set aside the order of the District Munsif cum Judicial Magistrate, Lalgudi in Cr.M.P.No.753/2017 dated 24.03.2017 in ordering notice to 2nd respondent/defacto complainant to come and collect the deposit made by the petitioners.

For Petitioner : Mr.R.S.Sivaram

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl. side)

O R D E R

Earlier, this Court granted anticipatory bail to the petitioners in Crl.O.P.(MD) No.2333/2016 on 09.02.2016 with a condition that they should deposit a sum of Rs.1,50,000/- without prejudice to their defence and on such deposit, the de-facto complainant will be entitled to withdraw the same as interim compensation. The petitioners filed a modification petition, in Crl.M.P.(MD) No.1890/2016 and this Court modified the condition by reducing the amount from Rs.1,50,000/- to Rs.1,00,000/- by order dated 02.03.2016. The petitioners deposited a sum of Rs.1,00,000/-. Pursuant to which, the Principal District Munsif cum Judicial Magistrate, Lalgudi has issued notice to the de-facto complainant to collect the interim compensation of Rs.1 lakh. Challenging which, the petitioners/accused are before this Court.



2. The learned counsel for the petitioners/accused submitted that in the earlier order dated 09.02.2016, this Court had permitted the de-facto complainant to withdraw Rs.1,50,000/-, but in the subsequent modified order, dated 02.03.2016, there is no direction to the de-facto complainant at all and therefore, the amount cannot be disbursed to the de-facto complainant.

3. In the considered opinion of this Court, in the modified order, dated 02.03.2016, this Court had clearly stated that the other conditions imposed on the petitioners herein by this Court remain unaltered, which means that the de-facto complainant is entitled to withdraw the amount.

4. In view of the above, this petition is dismissed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub-Assistant Registrar

To:

1. The District Munsif cum Judicial Magistrate,
Lalgudi

2. The Inspector of Police,
Siruganur Police Station,
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

RR

RL/4C/2P/MR/SAR2/26.4.2017

Cr1.O.P. (MD) No.4446 of 2017
17.04.2017