



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P.(MD) No.9153 of 2017

D.Suganthi

... Petitioner

-Vs-

The Deputy Superintendent of Police,
Economic Offence Wing II,
Ozhuginasery, Nagercoil.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Special Court under TNPID Act, Madurai, to transfer the Fixed Deposit No.3429795178/467, dated 11.10.2014 for Rs.8,36,792/- of the State Bank of India, Thingalnagar Branch, in Crime No.2 of 2006 on the file of the Special Court under the TNPID Act, Madurai, to the Court of Judicial Magistrate, Eraniel, and the Judicial Magistrate, Eraniel may be directed to update the validity of the said fixed deposit, release the fixed deposit and refund the amount with the accrued interest till date to the petitioner within such time as may be directed by this Court.

For Petitioner : Mr.M.Azeem

For Respondent : Mr.K.Anbarasan,
Government Advocate (Cr1.Side).

O R D E R

This Criminal Original Petition is filed for a direction to the the Special Court under TNPID Act, Madurai, to transfer the Fixed Deposit No.3429795178/467, dated 11.10.2014 for Rs.8,36,792/- of the State Bank of India, Thingalnagar Branch, in Crime No.2 of 2006 on the file of the Special Court under the TNPID Act, Madurai, to the Court of Judicial Magistrate, Eraniel, and the learned Judicial Magistrate, Eraniel may be directed to update the validity of the said fixed deposit, release the fixed deposit and to refund the amount with the accrued interest till date to the petitioner within the time stipulated by this Court.

2.Heard the learned counsel appearing for the Petitioner
<https://hcservices.ecourts.gov.in/hcservices/> and the learned Government Advocate(Cr1.side) appearing for the
respondent.



3. It is represented that a criminal case was registered against the petitioner/4th accused in Crime No.2 of 2006 under the provisions of TNPID Act. In connection with the same, the petitioner sought for Anticipatory Bail before this Court and this Court directed the petitioner to deposit a sum of Rs.5,00,000/-. The said amount which was deposited by the petitioner is lying in fixed deposit. However, the petitioner has settled the entire amount due and the criminal case was closed. Hence, the petitioner seeks to refund of the amounts with accrued interest which was deposited by him in Court.

4. The learned counsel for the petitioner further submitted that in the case of the petitioner's husband, a similar direction was issued, directing the learned Judicial Magistrate, Nagercoil, to refund the amount with accrued interest to the petitioner.

5. The learned Government Advocate(Criminal side) has no objection for passing the same order in this petition also.

6. Hence, this Court direct the Special Court under TNPID Act, Madurai, to transfer the fixed deposit amount with accrued interest, which is lying in fixed deposit No.3429795178/467, dated 11.10.2014, in State Bank of India, Thingal Nagar Branch to the credit of Crime No.2 of 2006 on the file of the Special Court under TNPID Act, Madurai, to the Court of the learned Judicial Magistrate, Eraniel, and the learned Judicial Magistrate, Eraniel, shall consider the application that may be filed by the petitioner for refund of the fixed deposit with accrued interest till date to the petitioner within a period of two months from the date of filling of such withdrawal petition.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Eraniel.

2. -do- Thro' The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.

3. The Special Judge,
Special Court under the TNPID Act, Madurai.



4. The Deputy Superintendent of Police,
Economic Offence Wing II,
Ozhuginasery, Nagercoil.

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

+1 CC to M/s.M.AZEEM, Advocate, SR No.66205.

CP/PMU

PSM/KK/SAR2/27.07.2017/3P/7C

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