



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Cr1.R.C. (MD) No.835 of 2017

Duraipandian

... Petitioner/Petitioner

Vs.

The State Rep.by
The Inspector of Police,
CSCID Wing,
Trichy.
(In Crime No.580 of 2011).

...Respondent/Complainant

PRAYER: The Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed by the learned Judicial Magistrate VI, Tiruchrappalli in Cr1.M.P.No.3306 of 2017, dated 03.10.2017 and subsequently this Court may direct the respondent Police to return the deposited amount of Rs.1,03,550/- in Crime No.580 of 2017 on 25.08.2011.

For Petitioner	: Mr.A.Uthayakumar
For Respondent	: Mr.T.Mohan APP

ORDER

The petitioner has filed this petition to set aside the order dated 03.10.2017 passed by the learned Judicial Magistrate VI, Tiruchrappalli in Cr1.M.P.No.3306 of 2017 and subsequently direct the respondent Police to return the deposited amount of Rs.1,03,550/- in Crime No.580 of 2017 on 25.08.2011.

2.The learned counsel for the petitioner is present. Mr.T.Mohan, Additional Public Prosecutor takes notice for the respondent. Heard.

3.The petitioner moved anticipatory bail petition in Cr1.O.P.(MD)No.9466 of 2011 as per order of this Court, dated 10.08.2011 and the same was ordered on condition that petitioner has to deposit a sum of Rs.1,03,550/- to the credit of Crime No.580 of 2011 on the file of the learned Judicial Magistrate No.VI, Tiurchirappalli and accordingly, the same was complied with by the petitioner herein.



4.The charge sheet was laid and the case was tried before the Trial Court and the Trial Court has dismissed the case acquitting the petitioner from the charges of 14(1) (a) of the Tamil Nadu Civil Supplies Regulation Order, 1982, r/w Section 7(1) (a) (2) of the Essential Commodities Act, 1955. Against the order of the Trial Court, no appeal is preferred by the respondent herein. The Trial Court while passing the impugned order observed that the petitioner has to approach this Court for obtaining an order for withdrawal of the said amount, since the said conditional order of depositing the amount has been passed only by this Court.

5.Considering the facts and circumstances of the case, this Court is inclined to allow this Criminal revision by setting aside the order dated 03.10.2017 passed by the learned Trial Judge in Cr.M.P.No.3306 of 2017 in C.C.No.30 of 2012 in Crime No.580 of 2017. The Trial Court is also directed to permit the petitioner to withdraw the said amount. This Criminal Revision case is ordered, accordingly.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.VI,
Tiruchirappalli.
2. The Chief Judicial Magistrate,
Tiruchirappalli.
3. The Inspector of Police,
CSCID Wing,Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to A.Uthayakumar, Advocate Sr.No.87256

GNS

VB/SV/MMS/SAR2/28/11/2017/2P/6C