

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1352 of 2018

Davlath Keswani

.. Petitioner/ Accused

Vs.

State rep. by
The Inspector of Police,
CCB, Team No.8,
O/o. Commissioner,
Egmore, Chennai.

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the order passed by the Principal Sessions Judge, Chennai in Crl.M.P.No.4192 of 2006 dated 19.06.2006 and Crl.M.P.No.5216 of 2006 dated 03.07.2006 and to direct the Registrar, City Civil Court, Chennai to close the fixed deposit by the petitioner in Indian Overseas Bank, Egmore, Chennai vide deposit Receipt No.2003/NDRB 575508 dated 03.07.2006.

For Petitioner : Mr.R.Rajan

For Respondent : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)

ORDER

The prayer sought for in this petition to modify the order passed by the Principal Sessions Judge, Chennai in Crl.M.P.No.4192 of 2006 dated 19.06.2006 and Crl.M.P.No.5216 of 2006 dated 03.07.2006 and direct the Registrar, City Civil Court, Chennai to close the fixed deposit by the petitioner in Indian Overseas Bank, Egmore, Chennai, vide deposit Receipt No.2003/NDRB 575508 dated 03.07.2006.

2. By an order dated 19.06.2006 passed in Crl.M.P.No.4192 of 2006, the learned Principal Sessions Judge, City Civil Court, Chennai, had directed the petitioner to deposit a sum of Rs.5,00,000/- to the credit of the case and pursuant to the said order, the petitioner had also made the deposit on 03.07.2006 in Indian Overseas Bank, Egmore, Chennai, through deposit Receipt No.2003/NDRB 575508.

3. The present petition is seeking for a direction to have the fixed deposit pre-closed on the ground that the petitioner is contemplating to undergo kidney transplantation and that his life is in danger. Though the petitioner has sought for release of the entire amount lying in the fixed deposit, the learned counsel for the petitioner submits that he would be satisfied, if the accrued interest on the above said fixed deposit account is alone permitted to be returned to him in order to meet the surgery expenses.

4. In my view, the conditions imposed in the earlier order passed by the learned Principal Sessions Judge, Chennai themselves are onerous, which warrants interference by this Court. Nevertheless, in view of the fact that the petitioner has deposited the said sum in compliance with the earlier order of the learned Principal Sessions Judge, Chennai, it would be appropriate to consider the request made by the petitioner, taking into account the fact that the petitioner has to undergo the kidney transplantation surgery.

5. In the result, the petitioner is granted liberty to approach the Registrar, City Civil Court, Chennai, seeking for return of the accrued interest lying on the said fixed deposit, deposited by the petitioner through Deposit Receipt No.2003/NDRB 575508 dated 03.07.2006 in connection with CrI.M.P.No.5216 & 4192 of 2006, on the file of the learned Principal Sessions Judge, Chennai.

6. On receipt of such an application from the petitioner, the Registrar, City Civil Court, Chennai, shall permit the petitioner to withdraw the accrued interest alone on the aforesaid fixed deposit account alone and retain the deposit amount of Rs.5,00,000/- in the same account. Such an exercise shall be done within a period of two days from the date of receipt of a copy of this order.

With the above observations and directions, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Registrar City Civil Court, Chennai

2. The Principal Sessions Judge, Chennai

3. The Inspector of Police,
CCB, Team No.8,
O/o. Commissioner,
Egmore, Chennai.

4. The Public Prosecutor,
High Court, Madras.

+lcc to MrR.Rajan, Advocate, S.R.No.5598

CrI.O.P.No.1352 of 2018

RRK(01/02/2018)



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