

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2018

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18226 of 2018

Subramaniam

... Petitioner

Vs

The State rep. by its
The Inspector of Police,
CCB, Team EDF-II, 9A,
Chennai.

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., to modify the condition of the order dated 06.03.2018 made in Crl.MP.No.4003 of 2018 passed by the Hon'ble Principal Sessions Judge, City Civil Court, Chennai and consequently, permit the petitioner to withdraw the cash deposit of Rs.5,00,000/- (Rupees Five Lakhs Only) deposited to the credit of Crime No.40 of 2018 on the file of the Metropolitan Magistrate, (For Exclusive trial of CCB cases and CBCID cases, Metro cases), Chief Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.B.Vijay

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to modify the condition imposed on the petitioner on 06.03.2018 passed by the Principal Sessions Judge, City Civil Court, Chennai, made in Crl.MP.No.4003 of 2018 in Crl.MP.No.3395 of 2018 and consequently, permit the petitioner to withdraw the cash deposit of Rs.5,00,000/- (Rupees Five Lakhs Only) deposited to the credit of Crime No.40 of 2018 on the file of the Metropolitan Magistrate Court (For Exclusive trial of CCB cases and CBCID cases, Metro cases), Chennai.

2. Today, Mrs.R.Sumathi, CCB, Chennai, is present before this Court.

3. The petitioner is A1 in Crime No.40 of 2018 for the offences under Sections 406, 420, 34 and 506(i) IPC. The petitioner was arrested and remanded to custody on 20.02.2018. The petitioner filed Crl.MP.No.3395 of 2018 for bail, in which

the Principal Sessions Judge, Chennai, by order dated 28.02.2018 enlarged the petitioner on bail on certain conditions, one of which is that, the petitioner should deposit title deeds worth about Rs.10 lakhs before the concerned Court. Since the petitioner was not able to deposit any title deeds, the petitioner filed Crl.MP.No.4003 of 2018 in Crl.MP.No.3395 of 2018, for modification of the said condition, in which, the Principal Sessions Judge, Chennai, by order dated 06.03.2018, modified the condition to the effect that the petitioner should deposit Rs.5 lakhs to the credit of Crime No.40 of 2018 before the Metropolitan Magistrate Court for Exclusive Trial of CCB cases and CBCID cases, Chennai. Accordingly, the petitioner has deposited the said sum of Rs.5 lakhs and he was released on bail. Under such circumstances, the petitioner is before this Court seeking a direction to the Metropolitan Magistrate for Exclusive Trial of CCB cases and CBCID cases, Chennai, to refund the amount of Rs.5 lakhs on the ground that this Court has stayed the FIR on 23.04.2018 in Crl.MP.No.6324 of 2018 in Crl.OP.No.11969 of 2018.

4. Heard the learned counsel for the petitioner/accused and the learned Government Advocate (Crl. Side) for the respondent.

5. The learned counsel for the petitioner/accused submitted that the petitioner has entered into a partnership deed with the de facto complainant and both of them have done the business in beverages and when the business ran into loss, the petitioner was not able to pay the share of the profits to the de facto complainant.

6. Per contra, the learned Government Advocate (Crl. Side) refuted the above contention and submitted that the petitioner had mortgaged the property of the de facto complainant with the Canara Bank and raised a loan of Rs.1.90 crores; that the sum of Rs.1.90 crores has gone from the firm's account to the individual account of the family members of the petitioner.

7. Taking into consideration the above disputed questions of fact, this Court is of the view that it will not be in the interest of justice, to refund the sum of Rs.5 lakhs to the petitioner at this juncture. Hence, this Court directs the Metropolitan Magistrate for Exclusive Trial of CCB cases and CBCID cases, Chennai, to re-deposit the sum of Rs.5 lakhs in a fixed deposit in any nationalized bank, so that the amount will accrue interest. The principal along with the interest can be disbursed at the culmination of the case depending upon its outcome.

With the above direction, this petition is ordered, accordingly.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Metropolitan Magistrate for
Exclusive Trial of CCB cases and
CBCID cases, Chennai,
2. The Inspector of Police,
CCB, Team EDF-II, 9A,
Chennai.
3. The Public Prosecutor
High Court, Madras.
- 4.The Principal Sessions Judge,
City Civil Court, Chennai
- 5.The Chief Metropolitan Magistrate,
Chennai.

+1cc to Mr.B.Vijay, Advocate sr.no.47974

सत्यमेव जयते

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nr 30/07/2018

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