

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.19299 of 2018

B.K.Murugesan

.. Petitioner

Vs

1.The State rep. by
Inspector of Police
Belukurichi Police Station
Namakkal District.

2.P.Duraimurugan

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to re-deposit the amount of Rs.1,50,000/- in the Judicial Magistrate Court, Rasipuram in STC No.28 of 2015 and in Cr.No.275 of 2014 on the file of the first respondent and on such deposit, the petitioner may be permitted to withdraw the said amount.

For Petitioner : Mr.D.Vairamoorthy

For R1 : Mr.C.Iyyapparaj

Additional Public Prosecutor

For R2 : Mr.S.Senthil

O R D E R

This petition has been filed to direct the 2nd respondent to re-deposit the amount of Rs.1,50,000/- in the Judicial Magistrate Court, Rasipuram in STC No.28 of 2015 in Cr.No.275 of 2014 on the file of the first respondent and on such deposit, permit the petitioner to withdraw the said amount.

2. On the complaint lodged by the second respondent, the first respondent police registered a case in Cr.No.275 of 2014 under Sections 147, 120-B, 447, 436, 506(i), 109 IPC r/w 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act against nine accused, including the petitioner herein. The petitioner filed an application for anticipatory bail, in which, this Court had directed him to deposit Rs.1,50,000/- with a further direction that the amount should be paid to the de facto complainant as interim compensation. Accordingly, the petitioner deposited the said amount and he was granted anticipatory bail.

3. After completing the investigation in Cr.No.275 of 2014, the first respondent filed a final report before the jurisdictional Magistrate and the case was committed to the Court of Sessions in S.C.No.62 of 2016. After full fledged trial, the petitioner was acquitted by the Additional District and Sessions Judge, Namakkal in S.C.No.62 of 2016 on 08.09.2017. While so, the petitioner has filed the present application for a direction to the de facto complainant to refund the amount that were collected by him pursuant to the order passed by this Court in the anticipatory bail application.

4. On notice, Mr.S.Senthil, learned counsel has entered appearance for the de facto complainant. The de facto complainant has filed an undertaking affidavit dated 01.08.2018, duly notarised, wherein, he has stated as follows:

"6. I humbly state that henceforth the petitioner has filed this case, directing me to re-deposit Rs.1,50,000/- which I withdrew from the account pertaining to Cr.No.275/14.

7. I humbly state that I am hereby willing to re-deposit a sum of Rs.1,50,000/- within 8 weeks which I withdrew from the account pertaining to Cr.No.275/14 since, the Hon'ble Additional District Judge, Namakkal has acquitted the petitioner herein and also I have not preferred any Appeal within time and also I am not willing to file any Appeal in future against the acquittal order dated 8.9.2017.

Hence, it is therefore humbly stated that, this affidavit may be treated as my willingness and consent to re-deposit Rs.1,50,000/- to be account pertaining to Cr.No.275/2014 on the file of the respondent police within 8 weeks and thus render justice."

5. In view of the above, eight weeks time is granted to the de facto complainant from the date of receipt of a copy of this order to re-deposit Rs.1,50,000/- before the Judicial Magistrate, Rasipuram and on such deposit, the Magistrate is directed to disburse the amount deposited by the petitioner.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS Ix)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
Belukurichi Police Station
Namakkal District.

2.The Judicial Magistrate Court,
Rasipuram.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Karippiah, Advocate SR.NO.54131

RK(co)
sm;16.8.2018

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