

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.15378 of 2018

IN CRL OP.No.26945 of 2016

1 L.J.VENGATESH,
2 S.JAWAHARLAL
3 J.LAKSHMI

[PETITIONERS]

Vs

1 STATE OF TAMIL NADU, REP BY,
THE INSPECTOR OF POLICE,
W-5, ALL WOMEN POLICE STATION,
VEPERY, CHENNAI-600 007.
CRIME NO.09 OF 2016

[RESPONDENTS]

2 JAMUNA KALYANI SRIDHARAN

Petition praying that in the circumstances stated therein the High Court will be pleased to order the refund of total deposit amount of Rs.90,000/- (Rs.5,000 X 18), in the Credit of Crime No.09 of 2016, before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, as per order dated 21.12.2016 made in Crl.M.P.No.13562 of 2016.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.VEL MURUGAN, Advocate for the petitioner and of M/S.C.RAGHAVAN Government Advocate on behalf of the Respondent the court made the following order:-

This petition has been filed seeking for the refund of the deposit amount, lying to the credit of Crime No.9 of 2016, before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore.

2.The learned counsel for the petitioners would submit that the Criminal Original Petition was filed to quash the F.I.R in Crime No.9 of 2016. At the time of admission, this Court stayed the F.I.R on condition that the petitioners will deposit a sum of Rs.5,000/- (Rupees Five Thousand only) on or before the 5th day of every English Calender Month, till the disposal of the Criminal Original Petition. The learned counsel would submit that this condition was complied with by the petitioners right through.

3.Subsequently, this Court took up the main Criminal Original petition for final hearing and by an order dated 26.06.2018, this Court quashed the F.I.R in Crime No.9 of 2016. The learned counsel for the petitioners would submit that by virtue of the F.I.R being quashed, the petitioner are entitled for the refund of the amount that has been deposited by them, pending disposal of the Criminal Original Petition.

4.This Court is of the considered view that, the consequence of the F.I.R being quashed would be to grant refund to the petitioners, since the petitioners had deposited the money only as a condition for stay, pending disposal of the Criminal Original Petition.

5.In view of the above, the petitioners are entitled for refund of the deposit amount lying in the credit of Crime No.9 of 2016, before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore. The petitioners shall file an appropriate memo before the Court below and the Court below shall permit the petitioners to withdraw the amount.

6.The learned counsel would submit that the entire refund may be made in the name of L.J.Vengatesh, the 1st petitioner. The Court below shall pass an appropriate orders permitting refund in the name of the 1st petitioner.

-sd/-
19/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE, NO. IX,
SAIDAPET, CHENNNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE METROPOLITAN MAGISTRATE,
ADDITIONAL MAHILA COURT, EGMORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
W-5, ALL WOMEN POLICE STATION,
VEPERY, CHENNAI-600 007.

C.C. to M/S.M.VEL MURUGAN Advocate on payment of necessary
charges

Order

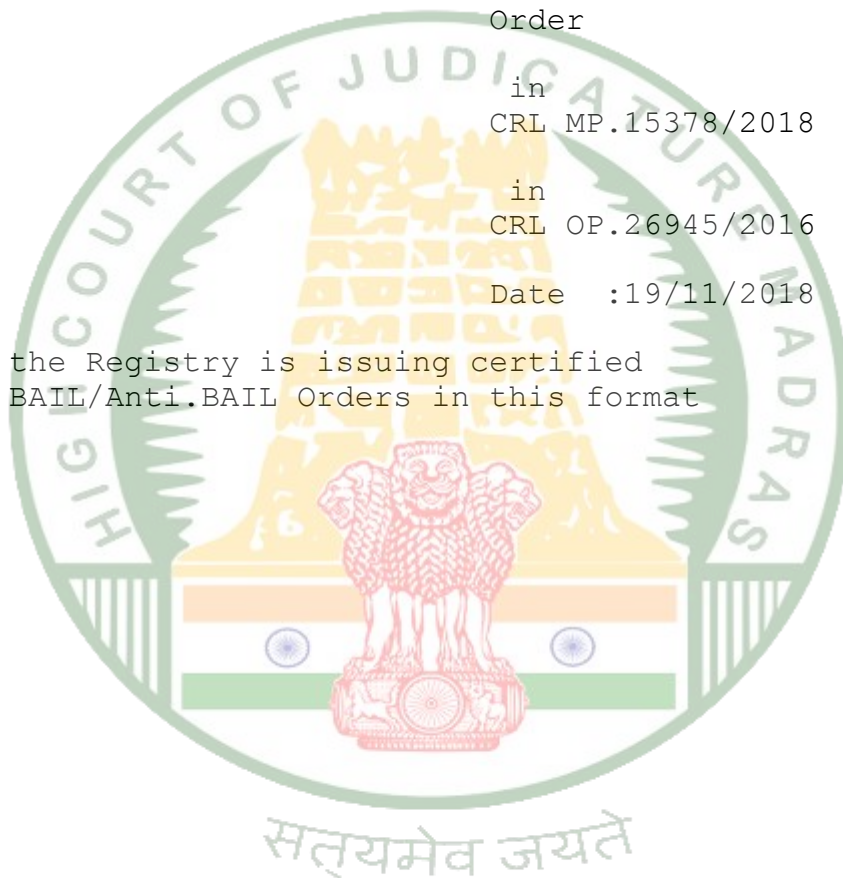
in
CRL MP.15378/2018

in
CRL OP.26945/2016

Date :19/11/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

cm 28/11/2018



WEB COPY