

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1353 of 2018

Aishwarya

...Petitioner

Vs.

1. State by
The Inspector of Police,
T2 Ambattur Estate Police Station,
Ambattur. (Cr.No.752/2018)

2. Vigneswar

...Respondents

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order passed by the learned Judicial Magistrate, Ambattur in Crl.M.P.No.5131 of 2018 dated 28.09.2018 and to pass an order directing the respondent to return the amount of Rs.1,00,000/- (Rupees One Lakh Only) deposited in the above Crime No.752 of 2018 to the petitioner.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.G.Harihara Arun Somasankar,
Govt. Advocate (Crl.Side)

ORDER

The case of the petitioner is that the second respondent/accused has borrowed a sum of Rs.2.5 lakhs from her and when she demanded return of the amount, she was threatened with dire consequences by the accused. Therefore, a complaint was lodged and the second respondent/accused was arrested and a bail application was moved. The learned Magistrate, granted bail on condition of deposit of Rs.1,50,000/- in the crime number 752/2018 . It appears that subsequently the second respondent/accused filed a petition for modification of the condition, for which, no objection was given by the petitioner herein and thereafter the condition was modified from deposit of Rs.1,50,000/- to Rs.1,00,000/-. In the above said circumstances, the petitioner filed a petition under Section 457 of Cr.P.C.

seeking to withdraw the amount of Rs.1,00,000/-. The learned Judicial Magistrate, by order dated 28.09.2018, closed the petition stating that the issue would be decided in the trial. The said order is impugned in the present revision case.

2 From the materials and pleadings as disclosed in the revision case, there appears to be dispute as to what was due to the petitioner under what circumstances. Therefore, the learned Magistrate thought fit not to entertain the present petition under Section 457 of Cr.P.C. for return of the money, since, the right to get back the money had not crystallized as yet. Therefore, the learned Magistrate passed the order that the issue will be decided in the course of trial. This Court does not find any infirmity in the order passed by the learned Magistrate, which is impugned in the present revision case and the same is bereft of any merit and substance.

3 In view of the above, the criminal revision case is dismissed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

cgi

To

The Judicial Magistrate
Ambattur.

Cr1.R.C.No.1353 of 2018

RK(CO)
SP(19/12/2018)

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