

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28673 of 2018

Vijayan

.. Petitioner

Vs.

The Inspector of Police,
District Crime Branch,
Vellore District.

...Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to direct the learned Judicial Magistrate No.1, Thirupattur, to refund the deposited amount of Rs.1,00,000/- (Rupees One Lakh only) in Crime No.26 of 2014 on the file of the Inspector of Police, District Crime Branch, Vellore District.

For Petitioner : M/s.J.Milton Arul Rajendran

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking for a direction to the Judicial Magistrate No.1, Thirupattur, to refund the deposited amount of Rs.1,00,000/- (Rupees One Lakh only) in Crime No.26 of 2014 on the file of the Inspector of Police, District Crime Branch, Vellore District.

2.The petitioner was working as Supervisor in Tasmac. Based on the complaint lodged by the Management of TASMAC, the District Manager and the Godown Manager has inspected the TASMAC shop No.11305 and during the internal inspection, it was found that a sum of Rs.10,64,890/- as stock deficit. Pursuant to the above allegation, the respondent police registered a case under Sections 409, 420 of IPC in Crime No.26 of 2014 against the petitioner and two others, who were arrayed as A1 to A3.

Thereafter, the petitioner filed anticipatory bail petition before this Court and on 08.08.2014, this Court granted anticipatory bail by imposing the condition to deposit a sum of Rs.1,00,000/- to the credit of Cr.No.26 of 2014. Challenging the same, the petitioner moved a petition for modification before this Court. This Court, on consideration of the facts and circumstances of the case, passed the following order:

"8. in the circumstances, the deposit schedule is rescheduled under with effect from today:

(i) Petitioner shall deposit Rs.50,000/- (Rupees fifty thousand only) in the said Magistrate Court to the credit of Cr.No.26/2014 at the time of executing the bail bond within a period of 15 days from today.

(ii) Thereafter, within 15 days, he should deposit Rs.25,000/- (Rupees twenty five thousand only) in the said court in the said crime number.

(iii) Thereafter, within 15 days, he shall deposit Rs.25,000/- (Rupees twenty five thousand only in the court in the side crime number.

3.Pursuant to the order passed by this Court dated 28.08.2014, the petitioner complied with the condition imposed by this Court and also deposited a sum of Rs.1,00,000/- before the Court below periodically. Thereafter, the main case was taken up for hearing in C.C.No.305 of 2015, by the ***Judicial Magistrate No.1, Thirupattur**. The prosecution failed to prove the charges levelled against the accused and the case itself ended in acquittal, by Judgment, dated 12.01.2018. Hence, the present petition has been filed seeking for refund of Rs.1,00,000/- deposited by the petitioner, pursuant to the order passed by this Court in CrI.M.P.No.1 of 2014 in CrI.O.P.No.20581 of 2014, dated 28.08.2014.

4.From the above narration of facts, it is clear that the main case itself has ended in acquittal, by Judgment, dated 12.01.2018 and the Court below has given a categorical finding that the prosecution failed to prove the charges as against the accused beyond reasonable doubt. Therefore, the amount that was deposited by the petitioner as a condition for granting of anticipatory bail during the pendency of the case, has to be necessarily returned back to the petitioner.

5. In the result, this Criminal Original Petition is disposed of with a direction to the petitioner to file a petition to return the amount deposited in Cr.No.26 of 2014 before the ***Judicial Magistrate No.1, Thirupattur** and the Court below is directed to permit the petitioner to withdraw a sum of Rs.1,00,000/- deposited by him in C.C.No.305 of 2015. This exercise shall be completed by the Court below within a period of one month from the date of memo filed by the petitioner.

Sd/-

Assistant Registrar(CCC)

Dated : 03/01/2019

***Amended as per order of this Court
dated 30.07.2019 made in CrI.MP.No.10394/19
in CrI OP No.28673/2019**

Sd/-

Assistant Registrar(III)

Dated : 03/01/2019

//True copy//

Sub Assistant Registrar

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To

**To be substituted order
already despatched
on 08.02.2019**

1. The Judicial Magistrate No.1,
Thirupattur,
- 2.The Inspector of Police,
District Crime Branch,
Vellore District.
3. The Judicial Magistrate II, Vellore
- 4.The Public Prosecutor,
High Court, Madras.

***+1cc to Mr.MiltonArul Rajendran, Advocate SR.No.65148**

CrI.O.P.No.28673 of 2018

SSI(CO)

GMY(04/01/2019)

GMY(01/08/2019)