



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Crl.O.P. (MD) No.712 of 2018

S.Muthukumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.48 of 2015)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the Judicial Magistrate, Aranthangi to refund the amount of Rs.50,000/- paid by the petitioner in Crime No.48 of 2015 vide order dated 22.04.2015 in Crl.O.P. (MD) No.4650 of 2015.

For Petitioner : Mr.T.Amjadkhan
For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to the Judicial Magistrate, Aranthangi to refund the amount of Rs.50,000/- paid by the petitioner in Crime No.48 of 2015 vide order dated 22.04.2015 in Crl.O.P. (MD) No.4650 of 2015.

2. According to the petitioner, an application has been filed before the Judicial Magistrate, Aranthangi to refund a sum of Rs.50,000/- paid by the petitioner. That application was returned, stating with an endorsement that the petition is not maintainable. Challenging the same, the petitioner has preferred this Criminal Original Petition before this Court.

3. The learned counsel appearing for the petitioner would submit that this Court, while granting anticipatory bail in Crl.O.P. (MD) No.4650 of 2015 on 22.04.2015, directed the petitioner to deposit a sum of Rs.50,000/- before the Judicial Magistrate, Aranthangi, as a security to enlarge him on bail. Pursuant to compliance of the order passed, anticipatory bail was granted to the petitioner. Subsequently, the petitioner was acquitted in C.C.No.153 of 2015 on 19.09.2017. Therefore, there is no legal impediment for



the Magistrate to refund the said security deposit amount to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that challenging the order of acquittal, no appeal has been filed by the respondent State.

5.Considering the aforesaid submissions made by both parties and also considering the fact that no appeal is filed against the order of acquittal, the petitioner is entitled to refund the aforesaid security deposit amount. Hence, the petitioner is directed to represent the miscellaneous petition before the Judicial Magistrate, Aranthangi within a period of two weeks from the date of receipt of a copy of this order. In the event of the petitioner represents the papers within the time, the Judicial Magistrate, Aranthangi is directed to number the un-numbered miscellaneous petition and to decide the matter on merits and in accordance with law after hearing the respondent.

6.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Aranthangi.
2. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

PNN
TE/SV/SAR-3 : 03/05/2018 : 2P/4C

Cr1.O.P. (MD) No.712 of 2018
19.04.2018