



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2018

CORAM

THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

Crl.O.P.(MD) No.17204 of 2017

Tamilarasan

... Petitioner/Accused No.1

-Vs-

State rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai.
(Crime No. 13 of 2008)

... Respondent/Complainant

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to direct the learned Judicial Magistrate, Karaikudi, to return the amount of Rs.1,00,000/- to the petitioner herein which was deposited on 28.08.2008 by the petitioner herein in case in Crime No.13 of 2008 before the learned Judicial Magistrate, Karaikudi.

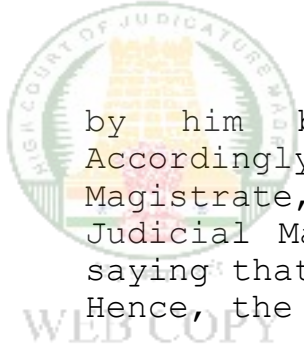
For Petitioner : Mr.S.M. Sanjay

For respondent : Mr. K. Anbarasan
Government Advocate (Crl. Side)

O R D E R

This petition is filed by the accused no.1 in C.C.No.15 of 2012, on the file of the learned Judicial Magistrate No.II, Sivagangai to direct the learned Judicial Magistrate, Karaikudi, to return a sum of Rs.1,00,000/-, which was deposited by him on 28.08.2008, as per the order of this Court made in Crl.O.P(MD). No.6205 of 2008, dated 13.08.2008.

2. The learned counsel appearing for the petitioner submitted that the petitioner has filed anticipatory bail petition in Crl.O.P (MD).No.6205 of 2008 before this Court and in that petition, this Court has granted anticipatory bail to the petitioner on 28.08.2008, subject to the condition that the petitioner shall deposit a sum of Rs.1,00,000/-, before the learned Judicial Magistrate, Karaikudi. He further submitted that subsequently, the case was transferred to learned Judicial Magistrate No.II, Sivagangai and numbered as C.C.No.15 of 2012 and the same has been disposed of on 08.02.2016. He further submitted that the learned Judicial Magistrate No.II, Sivagangai has acquitted the petitioner herein. Hence, the petitioner is entitled to get back the amount which was deposited



by him before the learned Judicial Magistrate, Karaikudi. Accordingly, he has filed a petition before the learned Judicial Magistrate, Karaikudi, for refund of the amount, but, the learned Judicial Magistrate, Karaikudi, has dismissed the said petition by saying that the petitioner has to get an order only from this Court. Hence, the petitioner has filed the present petition.

3. The learned Government Advocate (Crl. Side) appearing for the respondent fairly conceded that the case in C.C.No.15 of 2012 ended in acquittal and no appeal has been filed against the said order of acquittal. He has also submitted that the Government has no proposal to file any appeal and he has no objection for passing order to refund the said amount.

4. The learned Judicial Magistrate, Karaikudi, ought to have sent the amount to the learned Judicial Magistrate No.II, Sivagangai, when the case was transferred to that Court, but, it appears that the said amount has not been transferred. Therefore, the learned Judicial Magistrate, Karaikudi, is directed to return the amount i.e a sum of Rs.1,00,000/-, to the petitioner which was deposited by him, as per the direction of this Court made in Crl.O.P (MD).No.6205 of 2017, dated 30.07.2008.

4. In the result, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch,
Sivagangai.

2. The learned Judicial Magistrate, Karaikudi.

3. The Judicial Magistrate No.II, Sivagangai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S,.M.SANJAY, Advocate, SR.40186

Crl.O.P. (MD) No.17204 of 2017
03.01.2018

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