



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2018
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

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CRL.O.P. (MD) No.10014 of 2018

Elwin Yesudhas

: Petitioner

Vs.

The State rep. by,
The Inspector of Police,
Economic Offences Wing-II,
Nagercoil.

: Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the learned Judicial Magistrate No.II, to return the sum of Rs.1,00,000/-, which was deposited by the petitioner on 20.11.2002 as per the order passed by the High Court, Madras in Crl.O.P.No.27216 of 2002 dated 08.11.2002.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.K.K.Ramakrishnan

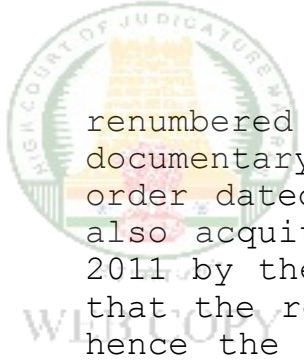
Additional Public Prosecutor

O R D E R

Seeking a direction to the learned Judicial Magistrate No.II, Nagercoil, to consider and pass orders on the petitioner's application filed for return of a sum of Rs.1,00,000/-, which was deposited by the petitioner on 20.11.2002 pursuant to the order passed by the Principal Bench of this Court, in Crl.O.P.No.27216 of 2002, dated 08.11.2002., the petitioner has come up with this petition.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.According to the petitioner, the Principal Bench of this Court has granted anticipatory bail to the petitioner on 08.11.2002 in Crl.O.P.No.27126 of 2002 on condition that the petitioner shall deposit a sum of Rs.1,00,000/- before the learned Judicial Magistrate No.II, Nagercoil within 10 days from the date of receipt of a copy of that order. The petitioner also complied with the condition and deposited the said amount on 20.11.2002 itself. Subsequently, after filing charge sheet, the same was taken on file as C.C.No.15 of 2003 before the Special Court (TNPID Court), Chennai and thereafter, the case was split up against the petitioner and assigned new number as C.C.No.25 of 2004 by the same Court. He also submitted that after formation of TNPID Court at Madurai, the said case was transferred to Special Court, TNPID, Madurai and



renumbered as C.C.No.1 of 2013 and after considering the oral and documentary evidence, the Special Court acquitted the petitioner by order dated 22.05.2015 in C.C.No.1 of 2013. The other accused were also acquitted by the judgment dated 06.04.2016 in CrI.A.No.132 of 2011 by the Principal Sessions Court, Chennai. He further submitted that the respondent police did not prefer any appeal till date and hence the judgment rendered has attained finality. At this stage, the petitioner is entitled to withdraw the amount deposited pursuant to the conditional order passed in CrI.O.P.No.27216 of 2002. Hence, the petitioner filed an application before the learned Judicial Magistrate No.II, Nagercoil to withdraw the said amount. But the same has not been entertained. Therefore, the present petition has been filed.

4. The learned Additional Public Prosecutor would submit that if the petitioner approaches the learned Judicial Magistrate No.II, Nagercoil, the respondent police has no objection to allow the said application.

5. In the light of the above, the petitioner is directed to file appropriate application before the learned Judicial Magistrate No.II, Nagercoil, for withdrawing the deposited amount. In the event of any such application filed by the petitioner, the learned Judicial Magistrate No.II, Nagercoil is directed to entertain the said application, if it is in order and pass appropriate orders as expeditiously as possible.

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

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II, Nagercoil.

2.The Inspector of Police,
Economic Offences Wing-II, Nagercoil.

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

+1cc to M/S.M.P.Senthil, Advocate SR.No. 69336

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