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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.28170 of 2017

Mohamed Muthagir

...Petitioner

-Vs-

1.The State rep by
The Assistant Commissioner of Police
Ambattur Range, Ambattur
Chennai - 600 053.

2.The Superintendent of Prison
Central Prison-II, Puzhal
Chennai.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent to refund the amount of Rs.33,400/- (Rupees Thirty Three Thousand Four Hundred Only) and the same be directed to be paid to the petitioner.

For Petitioner	: No Appearance
For Respondents	: Mr.Mohammed Riyaz Additional Public Prosecutor

ORDER

This petition has been filed for direction, directing the 2nd respondent to refund the amount of Rs.33,400/- (Rupees Thirty Three Thousand Four Hundred Only) to the petitioner.

2.The petitioner is an accused in C.C.No.1 of 2015 on the file of the learned Principal Sessions Judge, Tiruvallur, Tiruvallur District. While pending trial, he was granted interim bail for 3 days, from 31.01.2016 to 02.02.2016, by this Court in CrI.OP.No.2244 of 2016 dated 31.01.2016, on condition that the petitioner shall bear the expenses for giving police protection/escort. Accordingly, the petitioner was granted 3 days leave and necessary escort was provided to him. Reason for the interim bail was that his mother is in death bed and admitted in the hospital. Thereafter, his mother was died at the hospital. Even then, the 2nd respondent did not permit the petitioner to release on interim bail, without paying the



expenses of escort to the tune of Rs.33,400/-. Thereafter, the petitioner's relative borrowed a sum of Rs.35,000/- to release the petitioner on bail. Therefore, now the petitioner sought for refund of the said amount.

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3.It is seen from the order passed by this Court in Crl.OP.No.2244 of 2016 dated 31.01.2016, that the petitioner should bear the expenses for escort. Relevant portion of the order is extracted hereunder :

"Though the learned Public Prosecutor opposed the prayer of the petitioner, he has confirmed that the petitioner's mother is in death bed. Considering the facts and circumstances of the case, this Court is constrained to pass the following order:-

The Superintendent of Prison, Central Prison II, Puzhal, Chennai, is directed to permit the petitioner (Remand Prisoner) No.73041) to visit his mother, for a period of three days viz., from 31.01.2016 to 02.02.2016, with necessary armed escort, on executing his own bond. The petitioner shall report before the Superintendent of Prison, Central Prison II, Puzhal, Chennai by 5.00 pm on 02.02.2016. The petitioner is directed to bear the expenses for giving protection/escort. The Superintendent of Prison, Central Prison II, Puzhal, Chennai is also permitted to impose reasonable conditions taking into account the security and return of the accused/petitioner to the jail."

4.As directed by this Court, the petitioner has paid a sum of Rs.33,400/-, towards the expenses for giving protection/escort to the petitioner. At the time of passing the order, petitioner was fully agreed with the conditions imposed by this Court and paid the expenses towards his escort. Now after a period of 4 years, he came with the prayer, to refund of the said amount. Therefore, this Court is not inclined to entertain this Petition. Hence, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Assistant Commissioner of Police
Ambattur Range, Ambattur
Chennai - 600 053.
- 2.The Superintendent of Prison
Central Prison-II, Puzhal
Chennai.
- 3.The Public Prosecutor
High Court of Madras.

Crl.O.P.No.28170 of 2017

GS(01/07/2020)