



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD) No.3422 of 2020

WEB COPY

V. Neelavathi

... Petitioner

Vs.

The Inspector of Police
District Crime Branch
Trichy District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate, Thuraiyur Trichy District to take the unnumbered petition in Crl M.P. Sr.11060 of 2019 in C.C.No.59 of 2019 on the file and to refund the amount to the petitioner within the time stipulated by this Court.

For Petitioner	:	Mr.S.Ramakrishnan for Mr.B.Jameel Arasu
For Respondent	:	Mr.S.Chandrasekar Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the learned Judicial Magistrate, Thuraiyur Trichy District to take the unnumbered petition in Crl M.P. Sr.11060 of 2019 in C.C.No.59 of 2019 on the file and to refund the amount to the petitioner within the time stipulated by this Court.

2. It is seen that the petition filed by the petitioner seeking for refund of Rs.2,00,000/- deposited by her husband had been returned by the learned Magistrate with the following endorsement:

"1. The Hon'ble Madurai Bench of Madras High Court had directed to deposit the amount of Rs.2,00,000/- and the same was deposited on 26.07.2010. No order for refund.

2. Original receipt should be enclosed along with this petition.

Hence returned".

3. The learned counsel for the petitioner would submit that while granting bail this Court had not stated anything that the amount should not be refunded, whereas the learned Magistrate has stated that there is no order for refund. Further he would submit that the original receipt was in the custody of her late husband and the petitioner is unable to find out the whereabouts of the



original receipt and he would submit that the petitioner is prepared to file necessary affidavit regarding the amount.

4. Admittedly the amount of Rs.2,00,000/- is stated to have been deposited by the husband of the petitioner. It is made clear that in the order passed by this Court in Crl.O.P(MD) No.6378 of 2010 there is no order stating that amount should not be refunded. Further if the original receipt is missing the learned Magistrate can very well take the petition on file without insisting for the original receipt after conducting due enquiry with regard to the claim made subject to production of other relevant documents regarding the claim. The petitioner is directed to represent the application before the concerned Court.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Thuraiyur Trichy District

2. The Inspector of Police
District Crime Branch
Trichy District

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

Copy to:

The Section Officer,
ER Section,

Madurai Bench of Madras High Court, Madurai

(to return the original petition in
Cr.M.P.Sr.No.11060 of 2019 in C.C.No.59 of 2019 to the
petitioner after substituting with xerox copy)

+1 CC to Mr.B.JAMEEL ARASU, Advocate (SR-9079[F] dated 28/02/2020)

Crl.O.P.(MD) No.3422 of 2020

26.02.2020