



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the First day of October Two Thousand and Twenty

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PRESENT

The Hon'ble Mr. Justice V.BHARATHIDASAN

CRL MP(MD) No.4903 of 2020 IN
CRL A(MD) No.1059 of 2001

I.S.IQBAL

...PETITIONER/APPELLANT/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
SPE/CBI/ACB,
CHENNAI.
(RC NO.31(A)/96)

...RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to clarify the order regarding the refund of excess fine amount of Rs.2 lakhs, out of the fine amount of Rs.5 lakhs paid in C.C.No.7/1999 on the file of the Principal Special Judge for CBI Cases, Madurai after modifying the fine amount from Rs. 5 lakhs into Rs.3 lakhs as ordered in CRL A(MD) No.1059 of 2001 dated 22.09.2017.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.VENKATESWARAN, Advocate for the petitioner and of MR.S.VIJAYAN, Special Public Prosecutor for CBI, on behalf of the Respondent, the Court made the following order:-

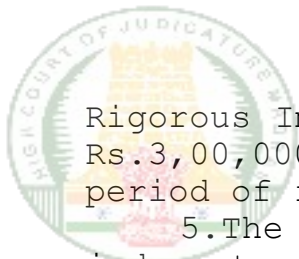
This petition has been filed to clarify the order, dated 22.09.2017 passed in C.A.No.1059 of 2001.

2.The learned counsel appearing for the petitioner would submit that earlier he was convicted for the offence under Sections 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988, by the trial Court and sentenced to undergo Rigorous Imprisonment for a period of two years and also to pay a fine of Rs.5,00,000/- in C.C.No7 of 1999, on the file of the learned Principal Special Judge for CBI Cases, Madurai.

3.Challenging the above said order, the petitioner has filed an Appeal in C.A.No.1059 of 2001 before this Court.

4.This Court, by order dated 22.09.2017, confirmed the conviction and modified the sentence that, the petitioner to undergo

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Rigorous Imprisonment for a period of one year and to pay a fine of Rs.3,00,000/- in default to undergo Rigorous Imprisonment for a period of four weeks.

5.The grievance of the petitioner is that pursuant to the judgment passed by the trial Court, he paid entire fine amount of Rs.5,00,000/-. But the Appellate Court modified the sentence to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.3,00,000/- in default to undergo Rigorous Imprisonment for a period of four weeks. In the above circumstances, the remaining fine amount paid by the petitioner has not been refunded to the petitioner, however there is no specific order to return the money.

6.Heard the learned counsel for the petitioner and respondent.

7.Considering the above, pursuant judgment of the trial Court, the petitioner paid the entire fine amount of Rs.5,00,000/-. Now, the sentence has been modified to pay a fine of Rs.3,00,000/-, the petitioner is entitled to return back the remaining amount of Rs.2,00,000/-. Hence, the trial Court is directed to return a sum of Rs.2,00,000/-(Rupees Two lakhs only) to the petitioner.

sd/-

01/10/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE PRINCIPAL SPECIAL JUDGE FOR CBI CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
SPE/CBI/ACB, CHENNAI.
3. THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.4903 of 2020 IN
CRL A(MD) No.1059 of 2001
Date :01/10/2020

VSD

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