

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.03.2021
CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.MP.No.5423 of 2020
in
Crl.OP.No.7023 of 2019

J.Jebaselvi .. Petitioner/1st Respondent

Vs.

1.State by

The Inspector of Police,
EDF-III Team 20,
Central Crime Branch,
Chennai-600 007.

2.V.B.Vijayakumar

3.Thilaga

4.Baskaran

5.Annamalai

6.Ramaikaran ... Respondents 2 to 6/ Petitioners

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the order passed in Crl.OP.No.7023 of 2019 dated 12.04.2019 to an extent by permitting the petitioner to withdraw the amount of Rs.20,00,000/- (Twenty Lakhs) deposited to the credit of Crime No.122 of 2018, on the file of the learned Judicial Magistrate No.I, Alandur as per the order of this Hon'ble Court in Crl.OP.No.7023 of 2019 dt.12.04.2019.

For Petitioner : Mr.J.Hudson Samuel and Partners

For Respondents : Mr.J.Srinivasan
for R 2 to R 6

No Appearance for R 1

O R D E R

This petition has been filed seeking for permission to withdraw the amount of Rs.20,00,000/- (Twenty Lakhs) that was deposited by R 2 to R 6 pursuant to the condition imposed by this Court while granting anticipatory bail to these respondents.

2.The petitioner is the de facto complainant, who is alleged to have been cheated to the tune of Rs.1,51,75,000/- by the accused persons. A 1 is alleged to be the impersonator, who had impersonated the real owner of the property viz; Mr. Chandrasekara Rao. Respondents 2 to 6 are said to be the developers who had received their commission from the impersonator to the tune of Rs.19.75 lakhs.

3.When this Court considered the anticipatory bail petition filed by R 2 to R 6, after taking note of the specific stand taken by R 2 to R 6 that they only received the commission of Rs.19.75 lakhs, this Court directed the respondents to deposit a sum of Rs.20 lakhs, to the credit of Crime No.122 of 2018, as a condition for the grant of anticipatory bail.

4.Pursuant to the orders passed by this Court, R 2 to R 6 have deposited a sum of Rs.20 lakhs on 09.08.2019 to the credit of Crime No.122 of 2018, on the file of the learned Judicial Magistrate No.I, Alandur.

5.The present petition has been filed by the de facto complainant to withdraw this amount on the ground that she has already lost a sum of Rs.1,51,75,000/-, which was borrowed from the Bank and at least if the petitioner is permitted to withdraw the sum of Rs.20 lakhs, it will enable the petitioner to meet the huge financial commitments.

6.This Court had adjourned this petition at least for three hearings to enable the learned counsel appearing on behalf of respondents 2 to 6 to take instructions. No instructions are forthcoming and the case is only getting adjourned from time to time. Even today, there is no representation for respondents 2 to 6.

7.Taking into consideration the facts and circumstances of the case and also of the fact that the de facto complainant has been defrauded to the tune of more than Rs.1.50 crores, it will be just and proper to permit the petitioner to withdraw the amount of Rs.20 lakhs, that has been deposited by respondents 2 to 6. This amount rightly belongs to the petitioner since the petitioner has shelled out a huge amount to an impersonator and the impersonator had paid a sum of Rs.19.75 lakhs to A 2 to A 6 from the ill-gotten money.

8.In the result, this petition is allowed and the petitioner is directed to file a payment out petition before the learned Judicial Magistrate No.I, Alandur and seek for the withdrawal of the sum of Rs.20 lakhs deposited in Crime No.122 of 2018 and the said application shall be allowed by the Court below and the petitioner shall be permitted to withdraw the amount.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KP
To

1. The Inspector of Police,
EDF-III Team 20,
Central Crime Branch,
Chennai-600 007.

Copy to:

1. The Judicial Magistrate No.I,
Alandur.
2. The Public Prosecutor,
Puducherry.

CRL.MP.No.5423 of 2020
in
Crl.OP.No.7023 of 2019

A.SK(29.03.2021)

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