



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the First day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.1496 of 2021

IN

CRL OP(MD) No.1146 of 2020

P.SARAVANAPANDI

... PETITIONER/ DEFACTO COMPLAINANT

Vs

1 THE SUB INSPECTOR OF POLICE
CCB MADURAI CITY,
III FLOOR, COMMISSIONER OFFICE,
ALAGARKOVIL ROAD,
MADURAI-625 002
IN CRIME NO.11/19

... RESPONDENT/ RESPONDENT

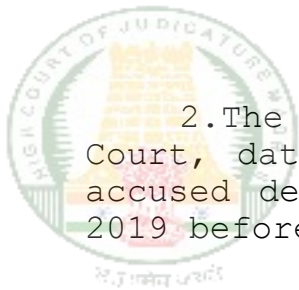
2 S.SUBRAMANIAN

... RESPONDENT/ PETITIONER

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to permit the petitioner to withdraw the said amount of Rs.50,00,000/- from the learned Judicial Magistrate No.1 Court and to that effect this Honourable Court may direct the learned Judicial Magistrate No.1 to pass an order to transfer the amount to the Union Bank of India Account No.493901100032050 and IFSC Code No.UBIN0549398 in the name of M/S.VISVAS PROMOTERS PRIVATE LIMITED by way of e-Transfer in CRL OP(MD)No.1146 of 2020 ordered on 28.02.2020.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.B.A.MURUGANANTHAM, Advocate for the petitioner and of Mr.M.V.CHANDRASEKARAN, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

The petition is filed by the petitioner/de-facto complainant seeking to withdraw the said amount of Rs.50,00,000/- which was deposited by the accused in Crime No.11 of 2019 in pursuant to the order of this Court in Crl.O.P.(MD)No.1146 of 2020, dated 28.02.2020 and to direct the learned Judicial Magistrate No.I, Madurai to pass an order to transfer the amount in the name of M/s.Visvas Promoters Private Limited, (Union Bank of India, Account No.493901100032050 and IFSC Code No.UBIN0549398) by way of e-transfer.



2.The order in Crl.O.P.(MD)No.1146 of 2020 passed by this Court, dated 28.02.2020 was periodically extended and finally, the accused deposited the said amount on 16.12.2020 in Crime No.11 of 2019 before the Judicial Magistrate No.I, Madurai.

3.The accused cheated the de-facto complainant to the huge sum. There is a claim and counter claim with regard to the payments made to the bank, labourers on various occasions and a commercial angles are involved in the above case.

4.Considering the reasons stated in the petition, this petition is allowed. The learned Judicial Magistrate No.I, Madurai is directed to transfer the amount in the name of M/s.Visvas Promoters Private Limited (Union Bank of India, Account No.493901100032050 and IFSC Code No.UBIN0549398), which is kept in a fixed deposit in the name of the learned Judicial Magistrate No.I, Madurai in Indian Overseas Bank, District Court Branch, Madurai. Thereafter, the learned Judicial Magistrate shall authorise the bank to retain the balance in the credit of Crime No.11 of 2019, if any.

sd/-
01/03/2021

/ TRUE COPY /

/ /2021
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 JUDICIAL MAGISTRATE NO.I, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE, CCB MADURAI CITY,
III FLOOR, COMMISSIONER OFFICE,
ALAGARKOVIL ROAD, MADURAI-625 002
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.P.SHRI SANTHAJI, Advocate (SR-1695[I] dated 03/03/2021)
+1CC to Mr.B.A.MURUGANANTHAM, Advocate (SR-8245[F] dated 02/03/2021)

ORDER IN
CRL MP(MD) No.1496 of 2021
IN CRL OP(MD) No.1146 of 2020
Date :01/03/2021