



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

Wednesday, the Twenty Fourth day of February Two Thousand and
Twenty One

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PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and
The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1136 of 2021
in Crl.A.(MD) No.476 of 2018

N.THULASI SAMALA ... PETITIONER/ VICTIME GIRL
- Vs-

1 KALEESWARAN ... 1st RESPONDENT/ APPELLANT

2 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.113/2014 ... 2nd RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to issue an order of Direction, directing the Trial Court to return of the money of Rs.14.00 lakhs under the court custody of learned Sessions Judge, Mahila Court(FTC), Dindigul made in Spl.S.C.No.2/2015.

Prayer in Crl.A.(MD) No.476 of 2018:

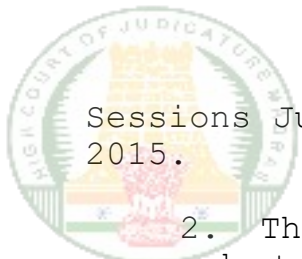
To call for the entire records pertaining to Spl.S.C.No.2 of 2015 on the file of the learned Mahila Judge, Dindigul District and set aside the order of conviction dated 15.05.2017 passed by the learned Mahila Judge, Dindigul District made in Spl.S.C.No.2 of 2015 by allowing this Criminal Appeal.

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.C.GANGAI AMARAN, Advocate for the petitioner and of Mr.A.MANIKANDAN, Advocate for the 1st Respondent and Mr.R.ANANDARAJ, Additional Public Prosecutor for the 2nd Respondent, the court made the following order:-

[Order of the Court was made by **K.KALYANASUNDARAM, J.**]

This petition has been filed for a direction to the Trial Court to return the amount of Rs.14,00,000/- under the Court custody of the

<https://hcservices.ecourts.gov.in/hcservices/>



Sessions Judge, Mahila Court (FTC), Dindigul made in Spl.S.C.No.2 of 2015.

2. The case of the prosecution is that the accused/first respondent herein was working as a driver under Dhanush, who is the mother of the petitioner. The further case of the prosecution is that the said Dhanush had collected a sum of Rs.23,00,000/- for constructions of School and she was keeping the money under her custody. While so, on 22.03.2014 during night hours, the first respondent/accused committed murder of the said Dhanush and one Senthilkumar. Thereafter, he took the petitioner along with Rs.17,50,000/- from the scene of occurrence and taken her to many places. It appears that based on the complaint of P.W.1, who is the grand-father of the petitioner, namely, Iyappan, a case was registered in Cr.No.113 of 2014 by the second respondent and the accused was arrested and in pursuance of the confession, an amount of Rs.17,50,000/- was recovered from the accused/first respondent.

3. The first respondent herein was charged for the offences punishable under Sections 449, 302 (2 counts), 380, 366(A), 376(2) (i) of IPC r/w Section 4 and 12 of POCSO Act. After trial, the learned Sessions Judge, Mahila Court, Dindigul found him guilty and convicted him vide Judgment dated 15.05.2017 and sentenced him to undergo Life Imprisonment. Challenging the conviction and sentence, he has preferred the above appeal.

4. A perusal of the records shows that the said Iyappan filed Crl.M.P.No.423 of 2014 before the Mahila Court, Dindigul for interim custody of the entire amount. The first respondent filed a counter, but he has not made any counter claim and eventually, the Court permitted the petitioner's grand-father to use Rs.2,50,000/- for her educational purpose and the balance amount of Rs.15,00,000/- was directed to be deposited in the State Bank of India, Veda sandur.

5. Mr.C.Gangai Amaran, learned counsel appearing for the petitioner would argue that after the accused was convicted by the trial Court, the petitioner's grand-father Iyappan filed Crl.M.P.No.670 of 2017 under Section 452 Cr.P.C., for permanent custody of the amount as well as the R.C.Book of the Car. In which, the trial Court permitted him to use Rs.1,00,000/- for educational purpose of the petitioner and the remaining amount was directed to be deposited in the same bank and he was also permitted to utilise the interest accrued there from. After attaining the majority, this petition has been filed by the petitioner for returning of the amounts. He further added that the petitioner is doing her professional Course at P.S.G.College of Engineering, Coimbatore and she is need of money for her educational purpose and also for medical expenses. Further, the petitioner's grand-father Iyappan is aged about 80 years and he is unable to move to handle the money.



6. Heard Mr.C.Gangai Amaran, learned counsel appearing for the petitioner, Mr.A.Manikandan, learned counsel appearing for the first respondent and Mr.R.Anandaraj, learned Additional Public Prosecutor appearing for the second respondent and perused the materials available on record.

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7. The Transfer Certificate issued by the P.A.Vidya Bhavan Higher Secondary School, Karur shows that the petitioner was born on 29.10.2001 and now she is a major. It is not disputed that an amount of Rs.17,50,000/- was recovered, in pursuance of the disclosure statement of the accused, during the investigation in Cr.No.113 of 2014. It is equally not disputed that in respect of amount of Rs.17,50,000/- one Mani and Jeyasudha filed petitions in Crl.M.P.No.379 of 2014 and Crl.M.P.No.550 of 2014 respectively before the Mahila Court, Dindigul claiming ownership of the money. By a common order, dated 26.12.2014, the petitions filed by the said K.Mani and Jeyasudha came to be dismissed and Crl.M.P.No.423 of 2014 filed by the Iyappan was allowed and it has been held that the said amount belongs to the petitioner and the said Iyappan is her guardian as she was a minor and he was also permitted to utilise a sum of Rs.2,50,000/- and Rs.1,00,000/- for educational purpose of the petitioner.

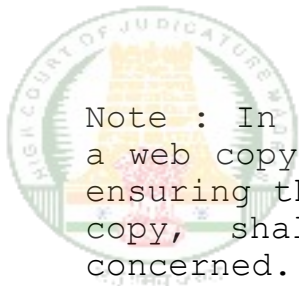
8. It is represented that the said Mani and Jeyasudha have not challenged the common order of the Mahila Court, dated 26.12.2014 and it has reached finality.

9. It appears that after trial, the 1st respondent herein was convicted in Spl.S.C.No.2 of 2015, Crl.M.P.No.670 of 2017 was filed under Section 452 of Cr.P.C., and the trial Court held that the money belongs to the petitioner and her grand-father Iyappan can continue as guardian till she attain majority. As observed above that the petitioner has become major and has come up with this petition for suitable direction for return of the amount. In the instant case, the learned Trial Judge, Mahila Court, Dindigul has held that this amount belongs to the petitioner. Therefore, we are of the opinion, there is no impediment for this Court to allow this application. Hence, this petition is ordered accordingly.

sd/-
24/02/2021

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/ /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.

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TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT (FTC), DINDIGUL.
- 2 THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.1136 of 2021
in

CrI.A. (MD) No.476 of 2018

Date : 24/02/2021

AM

MS/PN/SAR-4/08.03.2021/4P.5C