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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6755 of 2022

Thirunavukkarasu

...Petitioner

Vs.

The State represented by,
The Inspector of Police,
(*)Central Crime Branch,
Salem.

...Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the learned Judicial Magistrate No.5, Salem, to refund the deposited amount of Rs.75,000/- (Rupees Seventy Five Thousand only) in C.C.No.27 of 2017 on the file of the Judicial Magistrate No.5, Salem.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to direct the learned Judicial Magistrate No.5, Salem, to refund the deposited amount of Rs.75,000/- (Rupees Seventy Five Thousand only) in C.C.No.27 of 2017 on the file of the Judicial Magistrate No.5, Salem.

2. Learned counsel appearing for the petitioner would submit that the respondent had registered a case in Crime No.21 of 2013 against the petitioner and his father one Kathiravan for the offences under Sections 420, 323 and 506(ii) of IPC, on the complaint given by one Chandiran. The entire allegations are civil in nature. The respondent after completion of investigation, had filed the final report and the case was taken up on file in C.C.No.27 of 2017 on the file of the learned



Judicial Magistrate No.5, Salem. Thereafter, the petitioner had applied for anticipatory bail in CrI.O.P.No.5484 of 2017 before this Hon'ble Court and this Court by order dated 13.04.2017, had granted anticipatory bail on condition to deposit a sum of Rs.75,000/- to the credit of C.C.No.27 of 2017. The petitioner and his father in due compliance of the order passed by this Hon'ble Court, had surrendered before the concerned trial Court and deposited an amount of Rs.75,000/- to the credit of C.C.No.27 of 2017 vide receipt No.512147, dated 02.05.2017.

3. The trial was conducted and the petitioner's father passed away and the trial also ended in acquittal by order dated 06.10.2021. Against the order of acquittal, neither the prosecution nor the defacto complainant had filed any appeal till date. In view of the fact that an amount of Rs.75,000/- lying to the credit of C.C.No.27 of 2017, the petitioner had filed an application seeking to return the cash. Where as the trial Judge had dismissed the application stating that since, the amount had been deposited pursuant to the order passed by the Hon'ble High Court in CrI.O.P.No. 5484 of 2017 and such orders cannot be passed and thereby, the present application has been filed seeking to set aside the order and direct the trial Judge to return the amount of Rs.75,000/- deposited by the petitioner.

4. Learned Additional Public Prosecutor would submit that the petitioner along with his father was accused in C.C.No.27 of 2017. He would further submit that they have been acquitted by the trial Court and as on date, no appeal has been preferred by the State. He would also submit that the trial Judge, rightly finding that since, an amount was deposited pursuant to the order of this Court, had rejected the application.

5. Heard the learned counsel and perused the materials available on record.

6. In view of the above submission, it is seen that the main case has ended in acquittal by the Judgment of the trial Court dated 06.10.2021 and the amount has been deposited pursuant to the orders of this Court in CrI.O.P.No. 5484 of 2017. This Court is of the opinion that no usefule purpose will be served by retaining the amount by the trial Court. The petitioner is entitled for refund of the amount.

7. In the result, this Criminal Original Petition stands allowed with a direction to the petitioner to file a fresh application for return of amount deposited in C.C.No.27 of 2017 vide receipt No.512147 dated 02.05.2017 and the Court below is directed to refund the amount to the petitioner. The entire excercise shall be completed by the trial Court within a period



of one month from the date of filing of such petition by the petitioner.

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s/d-
Assistant Registrar
(11/04/2022)

*** Amended as per order of this
court dated 29.04.2022 made in
Crl.M.P.No.6208 of 2022 in
Crl.O.P.No.6755 of 2022**

**Sd/-
Assistant Registrar
13/05/2022**

True Copy

Sub-Assistant Registrar

rgi/ham

To

1. The Judicial Magistrate V, Salem
2. The Inspector of Police,
**(*) Central Crime Branch,
Salem.**
3. The Public Prosecutor,
High Court of Madras.

**To be substituted order
Already Despatch on
22.04.2022**

Crl.O.P.No.6755 of 2022

PMK (CO)
SP (12/04/2022)

RGA (17/05/2022)