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Crl.M.P.No.12054 of 2022
in Crl.O.P.No.5878 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.12054 of 2022
in Crl.O.P.No.5878 of 2015

G.Katturaja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Economic Offences Wing – II,
Vellore,
Vellore District.

... Respondent

Prayer: This Criminal Original Petition has been filed under Section 482 of Cr.P.C. to grant an order of direction, directing the Chief Judicial Magistrate, Vellore, to permit the petitioner to withdraw the amount of Rs.5,00,000/- (Five Lakhs) deposited as per the direction of this Court in Crl.O.P.No.5878 of 2015 in the credit of C.C.No.559 of 2014, on the file of the learned Chief Judicial Magistrate, Vellore.

For Petitioner : Mr.S.S.Meenakumary

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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Crl.M.P.No.12054 of 2022
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ORDER

This Criminal Miscellaneous Petition has been filed to direct the learned Chief Judicial Magistrate, Vellore, to permit the petitioner to withdraw the amount of Rs.5,00,000/- (Rupees Five Lakhs Only) deposited as per the direction of this Court in Crl.O.P.No.5878 of 2015 in the credit of C.C.No.559 of 2014, on the file of the learned Chief Judicial Magistrate, Vellore.

2.Heard Mrs.S.S.Menakumary, learned counsel for the petitioner and Mr.S.Udaya Kumar, learned Government Advocate (Crl.Side) appearing for the respondent.

3.The learned counsel for the petitioner herein has originally filed a Criminal Original Petition in Crl.O.P.No.5878 of 2015, to quash the proceedings in C.C.No.559 of 2014, on the file of the learned Chief Judicial Magistrate, Vellore. At the time of admission, by an order dated 23.07.2015, the petitioner was directed to deposit a sum of Rs.5,00,000/- to show the bonafide and as per the order of this Court, the petitioner



Crl.M.P.No.12054 of 2022
in Crl.O.P.No.5878 of 2015

has also deposited the said amount of Rs.5,00,000/- and the above said Crl.O.P.No.5878 of 2015, was came up for final disposal and by an order dated 20.02.2020, it was disposed of with a direction to the learned Chief Judicial Magistrate, to complete the trial within stipulated time, however, there was no mention regarding the amount of Rs.5,00,000/- deposited and hence, it appears that the petitioner has filed a miscellaneous petition before the learned Chief Judicial Magistrate, Vellore, for return of the amount and the said petition has been returned as not maintainable.

4.Taking into consideration, the final order passed by this Court on 20.02.2020 in Crl.O.P.No.5878 of 2015, there is no need for interference and in the interest of justice, this petition is hereby allowed and the petitioner is permitted to withdraw amount of Rs.5,00,000/- deposited to the credit of C.C.No.559 of 2014, before the learned Chief Judicial Magistrate, Vellore. If the said amount is deposited in the any nationalized Bank, the petitioner is entitled for the interest or otherwise if the amount is deposited in the Court deposit, he is entitled only for the amount so deposited.



Crl.M.P.No.12054 of 2022
in Crl.O.P.No.5878 of 2015

WEB COPY

5.With the above direction this Criminal Miscellaneous

Petition stands allowed.

04.08.2022

Internet : Yes

Dua

To

1.The Inspector of Police,
Economic Offences Wing – II,
Vellore, Vellore District.

2.The Public Prosecutor,
High Court, Madras.



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Crl.M.P.No.12054 of 2022
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RMT.TEEKAA RAMAN, J.

Dua

Crl.M.P.No.12054 of 2022
in Crl.O.P.No.5878 of 2015

04.08.2022