



Crl.M.P.Nos.16989 & 16991 of 2022

in

Crl.O.P.Nos.6707 & 8323 of 2017

A.D.JAGADISH CHANDIRA, J.

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These applications have been filed seeking to direct the learned Special metropolitan Magistrate Court for the CCB-CBCID Cases, Egmore, Chennai to refund the sum of Rs.40,00,000/- and Rs.25,00,000/- to the petitioners herein respectively, which were deposited by them in Crime No.71 of 2017 in pursuance of the order passed in Crl.O.P.Nos.6707 & 8323 of 2017.

2. The learned counsel for the petitioner in Crl.M.P.No.16989 of 2022 was arrested on 14.03.2017 and he had filed an application for bail before this Court. This Court, while granting bail in Crl.O.P.No.6707 of 2022 dated 11.04.2017, had directed the petitioner to deposit an amount of Rs.40,00,000/- to the credit of Crime No.71 of 2017. In due compliance of the same, the petitioner had deposited the sum of Rs.40,00,000/- to the credit of Crime No.71 of 2017 vide Receipt No.93056 dated 17.04.2017. Likewise, the petitioner in Crl.M.P.No.16991 of 2022 had filed an application for anticipatory bail and this Court granted anticipatory bail to the petitioner in Crl.O.P.No.8323 of 2017 dated 27.04.2017 with a condition to deposit a sum of Rs.25,00,000/- to the credit of Crime No.71 of 2017. In due compliance of the same, the petitioner had deposited the said sum vide Receipt No.93711 dated 12.05.2017. Further, the learned counsel would submit that after completion of the investigation, the respondent has filed charge sheet and the case was taken up in C.C.No.8790 of 2017 on the file of the learned Special Metropolitan Magistrate Court for the CCB-CBCID Cases, Egmore, Chennai. Subsequently, the petitioners jointly filed a petition for quash in Crl.O.P.No.27461 of 2017 and this Court vide order dated 03.02.2022 had quashed the proceedings in C.C.No.8790 of 2017.



3. He would further submit that the defacto complainant appeared before this Court in the quash petition and the petition was allowed and the case in C.C.No.8790 of 2017 was quashed on 03.02.2022. Therefore, nothing survives before the Court below and the amounts deposited by the petitioners are lying without any purpose in the credit of Crime No.71 of 2017. Thereby, the present application have been filed seeking to direct the learned Magistrate to return the amounts deposited vide Receipt Nos.93056 and 93711 to the petitioners herein.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the entire proceedings have been quashed and neither the State nor the defacto complainant has filed any petition against the order of quashing.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

6. Considering the submissions made and that the entire proceedings have been quashed, this Court is of the opinion that there is no purpose in keeping the deposited amounts before the Court below. Therefore, the Special Metropolitan Magistrate Court for the CCB-CBCID Cases, Egmore, Chennai is directed to refund the amounts deposited to the petitioners on proper application being filed by them, after due verification.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

24.11.2022

Anu



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