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Crl.O.P.No.25758 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.25758 of 2021

Jalandaraya

... Petitioner

Vs.

State rep. by
Inspector of Police,
CCIW-CID Thiruvallur,
Crime No.2 of 2006

... Respondent

Prayer: Civil Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the learned Judicial Magistrate No.1, Ponneri to refund a sum of Rs.20,000/- which was deposited by the petitioner to the credit of Crime No.2 of 2006 as directed by this Court in Crl.O.P.No.30520 of 2006 dated 12.12.2006.

For Petitioner : Mr. T.R.Ravi

For 1st Respondent: Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been preferred seeking for a direction to the learned Judicial Magistrate I, Ponneri to refund a sum of



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Rs.20,000/- which was deposited by the petitioner in Crime No.2 of 2006 as directed by this Court in Crl.O.P.No.30520 of 2006.

2. This Court while granting bail to the petitioner in Crl.O.P.No.30520 of 2006, dated 12.12.2006, directed the petitioner herein to pay a sum of Rs.20,000/- to the credit of Crime No.2 of 2006. The relevant paragraph is extracted hereunder for better appreciation:

“5. Accordingly, the petitioner is ordered to be released on bail on condition that he shall deposit a sum of Rs.20,000/- to the credit of Crime No.2 of 2006, before the Judicial Magistrate No.I, Ponneri which shall be subject to the result of enquiry or trial as the case may be, and shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of Judicial Magistrate No.I, Ponneri and on further condition that the petitioner shall report before the Investigating Officer, as and when called for, for the purpose of investigation.”

3. Heard Mr.T.R.Ravi, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the



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respondent.

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4. The learned counsel for the petitioner would submit that the petitioner has been acquitted in the case itself and hence he seeks a direction to the Judicial Magistrate I, Ponneri to return the sum of Rs.20,000/- that has been deposited to the credit of Crime No.2 of 2006 in pursuance of the order of this Court, dated 12.12.2006. The learned counsel would further submit that even while granting bail, this Court has specifically stated that the amount to be deposited, shall be subject to the result of the enquiry or trail. The learned counsel would further submit that the petitioner had died during the pendency of this case and hence he has to implead the legal heirs of the deceased petitioner.

5. Considering the above submission, in the opinion of this Court, the petitioner ought to have filed a petition for refund of the deposited sum of Rs.20,000/- before the Judicial Magistrate I, Ponneri. But, without exhausting the remedy available before the trial Court, the petitioner has directly approached this Court seeking a direction for refund. Hence, it seems to be a premature one.



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6. In view of the above, this Criminal Original petition is disposed of.

It is open to the legal heirs of the deceased petitioner to file a petition in their capacity of the legal heirs of the deceased petitioner and seek an order for refund of the deposited amount of Rs.20,000/- in compliance of the direction of this Court, dated 12.12.2006. In the event of such a petition is filed by the legal heirs of the deceased petitioner, the learned Judicial Magistrate I, Ponneri shall consider the same in the background of the result of the main case and pass appropriate order in accordance with law.

30.09.2022

vum

Index:yes/No

Speaking order / Non speaking order



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To

1. The Inspector of Police,
CCIW-CID Thiruvallur,
Crime No.2 of 2006
2. The Public Prosecutor
High Court of Madras, Chennai.



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R.N.MANJULA,J.

vum

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