



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

Tuesday, the Nineteenth day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.4178 of 2022

IN

CRL OP(MD) No.2441 of 2018

1 THIRUNAVUKKARASU

2 SURESH

... PETITIONERS/ACCUSED 2 AND 3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT - 630610
(CRIME NO. 16 OF 2018)

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to direct the return the petitioners with late Rajamani/Accused No. 1 already deposited amount of Rs. 25000/- in Crime No. 16 of 2018 as a condition in Anticipatory bail in Crl.O.P. (MD) No. 2441 of 2018, Dated 22.02.2018 on the file of the Judicial Magistrate Court, II Sivagangai in quashed C.C.No.524 2019 by this Hon'ble Court.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SENTHILKUMAR.R, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(crl.side) on behalf of the Respondent, the Court made the following order:-

The Criminal Miscellaneous Petition has been filed seeking orders to direct the learned Judicial Magistrate No.II, Sivagangai to refund the deposited amount Rs.25,000/- paid by the petitioners, in pursuance of the order passed by this Court in Crl.OP(MD)No.2441 of 2018, dated 22.02.2018.

2.It is seen from the records that this Court while granting anticipatory bail to the petitioners, directed them to deposit a sum of Rs.25,000/- into the Crime Number before the learned Judicial Magistrate No.II, Sivagangai.



3.The learned counsel for the petitioners would submit that in pursuance of the directions of this Court, the petitioners have deposited the said amount before the learned Magistrate, that subsequently, they have filed a petition in Crl.O.P.(MD)No.551 of 2020 under Section 482 Cr.P.C, to quash the final report in C.C.No.574 of 2019 pending on the file of the learned Judicial Magistrate No.II, Sivagangai and that this Court vide order dated 03.03.2020, has quashed the charge sheet. He would further submit that the first accused has died.

4.The learned counsel for the petitioner would also submit that the petitioners have filed a memo to refund the amount deposited by them, but the learned Magistrate has directed the petitioner to get the orders from this Court. The learned counsel for the petitioners has produced the legal heirs certificate of the deceased/first accused and also produced no objection affidavit filed by the other legal heirs of the deceased Rajamani, stating that they have no objection to give the deposited amount to the second petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the State, on instructions, would submit that the respondent has not preferred any appeal, challenging the order passed in Crl.O.P.(MD) No.551 of 2020, dated 03.03.2022.

6.Considering the above facts and circumstances of the case and also the fact that since the charge sheet filed against the petitioners, has already been quashed by this Court and taking note the no objection affidavit filed by the legal heirs of the deceased/first accused, the petitioners/2 and 3 and the legal heir of the deceased are entitled to get the amount deposited by them. Hence, this petition is allowed, directing the learned Judicial Magistrate No.II, Sivagangai to refund the amount of Rs.25,000/- (Rupees Twenty Five Thousand only) deposited by the petitioners, in pursuance of the order dated 22.02.2018 made in Crl.OP(MD)No.2441 of 2018.

sd/-

19/04/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

<https://hcservs.sivagangai.nic.in/>



3 THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION, SIVAGANGAI DISTRICT - 630610

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.SENTHILKUMAR.R. Advocate SR.No.19446(f)

ORDER

IN

CRL MP(MD) No.4178 of 2022

IN

CRL OP(MD) No.2441 of 2018

Date :19/04/2022

SS/JM/SAR:II/25.04.2022 : 3P/6C