



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty Sixth day of July Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) . No.8364 of 2022

in

CRL A(MD) No. 77 of 2016

P.Muthukani

... Appellant/Accused No 1

Vs

The Inspector of Police
All Women Police Station Kadambur Police
Station Thoothukudi District.
(Crime No 4/2014)

... Respondent/Complainant

Prayer in CRL.MP(MD) No. 8364 of 2022 :-

This Miscellaneous Petition filed under Section 482 of Criminal Procedure Code to issue a direction directing the learned JM No.1, Kovilpatti to refund the cash security of Rs.50,000/- furnished by the petitioner in the account of crime No.4/2014 on the file of the respondent police and pass such other orders as this Hon`ble Court.

Prayer in CRL A(MD) 77 of 2016:-

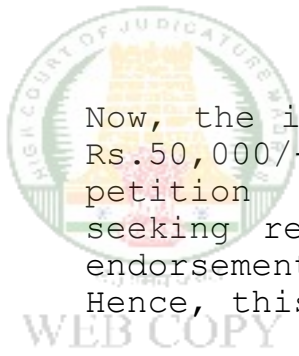
This Criminal Appeal is filed under section 374(2) of the code of Criminal Procedure, against the conviction and sentence passed by learned Sessions Judge, Mahila Court, Thoothukudi, in S.C.No.35 of 2015 dated 23/02/2016.

ORDER:- This Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.Gangai Amaran, Advocate for the Petitioner and of Mr.R.M.S.Sethuraman, Additional Public Prosecutor , for the respondent, this Court made the following order:

This petition has been filed to issue a direction, directing the learned Judicial Magistrate No.I, Kovilpatti to refund the Cash Security of Rs.50,000/- furnished by the petitioner in the account of Crime No.4 of 2014, on the file of the respondent police.

2.The learned counsel for the petitioner would submit that against the conviction and sentence, the appellant has filed Crl.A. (MD).No.77 of 2016 before this Court and that was allowed by the

<https://www.mca.gov.in/> dated 06.09.2021 and conviction and sentence also set aside.



Now, the issue is with regard to the deposit of security of Rs.50,000/- to the credit of Crime Number. The petitioner filed a petition before the learned Judicial Magistrate, Kovilpatti, seeking refund of security amount. But, it was returned with an endorsement that he has no jurisdiction to entertain the petition. Hence, this petition has been filed.

3. In view of the above submission, the learned Judicial Magistrate No.1, Kovilpatti, is directed to refund the Cash Security amount of Rs.50,000/- to the petitioner by following the procedure, acknowledgement and identification.

4. Accordingly, this Criminal Miscellaneous Petition is allowed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/08/2022

Sub Assistant Registrar(CS)

TO

1. The Judicial Magistrate No.I, Kovilpatti.
2. The Inspector of Police
All Women Police Station Kadambur Police
Station Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1cc Mr.C.Gangai Amaran, Advocate, SR No. 34232 of 2022.

ORDER DATED : 26/07/2022

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ORDER

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CRL MP(MD). No.8364 of 2022
in

CRL A(MD) No. 77 of 2016

Giving direction and etc.
as stated within.

SJ(CO)

TR(04.08.2022) 2P 5C

<https://www.mhc.tn.gov.in/judis>