



Crl.O.P.(MD) No.13960 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.13960 of 2022

Murugan

...Petitioner

VS

The Inspector of Police
Tallakulam Police Station,
Madurai City

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to direct the learned Judicial Magistrate No.II, Madurai to return the amount of Rs.45,050/- to the petitioner as per the order passed by the learned Judicial Magistrate No.II, Madurai in Crl.M.P.No. 4241 of 2020 dt. 15/12/2020 within the stipulated time.

For Petitioner : Mr.K.Sathish kumar
For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking a direction to direct the learned Judicial Magistrate No.II, Madurai to return the amount of Rs.45,050/- to the petitioner as per the order passed in CrI.M.P.No. 4241 of 2020 dt. 15/12/2020 within the stipulated time

2. The learned counsel for the petitioner would submit that the petitioner is an accused in C.C.No.475 of 2013 and he was prosecuted for the offence under Sections 387,506(ii) of IPC and Sections 52 (A) r/w. 68(A) of Copy Right Act and Section 292(A) of IPC and Section 5 r/w. 7 of Lotteries Regulation Act and after trial he was acquitted. At the time of registering the case a sum of Rs.45,050/- was seized from the accused and produced before the learned Judicial Magistrate No.II, Madurai. Since the case ended in acquittal the accused filed a petition in CrI.M.P.No.4241 of 2020 for returning the said amount which was seized from the petitioner herein .

3. The learned Additional Public Prosecutor would submit that the amount seized from the petitioner was produced before the learned Judicial



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Magistrate No.II, Madurai by the respondent police and also ordered for return of the said amount after the case ended in acquittal.

4. It is seen that the petitioner is one of the accused in CC No.475 of 2013 on the file of the respondent police. The respondent police prosecuted the petitioner along with other accused Kamaladasan for the offences under Sections 387,506(ii) of IPC and Sections 52 (A) r/w. 68(A) of Copy Right Act and Section 292(A) of IPC and Section 5 r/w. 7 of Lotteries Regulation Act . After trial the learned Magistrate acquitted the accused persons on 22.09.2020 and thereafter the accused has filed a petition in Crl.M.P.No. 4241 of 2020 for return of the said amount which was seized and produced before the Court by the respondent police.

5. The learned Magistrate by an order dated 15.12.2020 had directed to return the said amount and allowed the petition. Further the learned Magistrate in his order has directed the Head Clerk to prepare necessary office note proceedings to return the amount of Rs.45,050/- to the petitioner. In spite of the direction given by the learned Magistrate the said amount has not been returned so far.



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6. In view of the same, the learned Judicial Magistrate No.II, Madurai is directed to return the amount of Rs.45,050/- to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, the Criminal Original Petition stands disposed of.

02.08.2022

Internet: Yes
Index: Yes/No
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To

1. The Judicial Magistrate No.II, Madurai
2. The Inspector of Police
Tallakulam Police Station,
Madurai City
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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