



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

Thursday, the First day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10409 of 2022

IN

CRL OP(MD) No.15658 of 2011

NEPOLEAN

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
C.C.I.W.CID,
THANJAVUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.7 OF 2011.

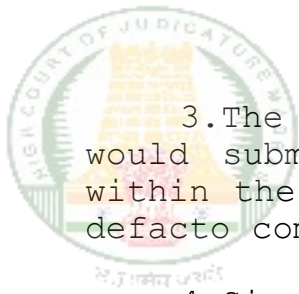
... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to direct the learned Judicial Magistrate, Pattukottai to refund the sum of Rs.1.00 lakh to the Petitioner which was deposited by the Petitioner to the credit of the case in Cr.No.7 of 2011 on the file of the learned Judicial Magistrate, Pattukottai in pursuant to the order made in Crl.OP(MD) No.15658 of 2011 dated 30.11.2011 passed 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.JAMEEL ARASU B, Advocate for the petitioner and of MR.M.VAIKKAM KARUNANITHI, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to direct the learned Judicial Magistrate, Pattukottai to refund a sum of Rs.1,00,000/- to the petitioner.

2.While passing orders in Crl.O.P.(MD) No.15658 of 2011, the petitioner was directed to deposit a sum of Rs.1,00,000/- to the credit of Crime No.7 of 2011 before the learned Judicial Magistrate, Pattukottai. Now, after completing the investigation, final report was filed in CC.No.463 of 2012 arraying the petitioner as 3rd accused. Since the prosecution has failed to prove the case beyond all reasonable doubt, the accused 1 and 3 were acquitted. Against the 1st accused, the case was split up. On the basis of the aforesaid acquittal, now this petition has been filed seeking directions.



3.The learned Government Advocate (Crl.side) for the respondent would submit that the judgment was pronounced on 29.11.2019 and within the limitation period, no appeal was preferred either by the defacto complainant or by the prosecution.

4.Since the amount has been deposited on the basis of the order that has been passed by the Court and the petitioner was acquitted, he is entitled to refund the aforesaid amount. So, a direction is issued to the concerned Court to refund the amount to the petitioner that was paid by him in Crime No.7 of 2011 by following proper procedure.

5.This Criminal Miscellaneous Petition is allowed, accordingly.

sd/-

01/09/2022

/ TRUE COPY /

08/09/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
C.C.I.W.CID, THANJAVUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.10409 of 2022

IN

CRL OP(MD) No.15658 of 2011

Date :01/09/2022

mm

USK/VR/SAR-IV/08.09.2022/2P/5C