



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP (MD) No.15057 of 2022

IN

CRL OP (MD) No.15242 of 2011

SHANMUGAM

... PETITIONER / PETITIONER

Vs

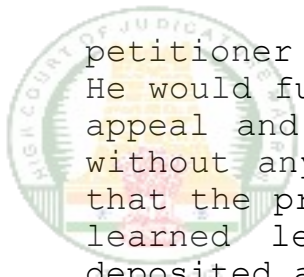
THE STATE REP.BY
THE INSPECTOR OF POLICE
CCIW, CID, POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.7 OF 2011)

... RESPONDENT / RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to issue a direction direct the learned Judicial Magistrate, Pattukottai, Thanjavur District to refund the sum of Rs.1.00 lakh to the petitioner which was deposited by him in Crime No.7 of 2011 on the file of the learned Judicial Magistrate, Pattukotti in pursuant to the order made in Crl.OP(MD) No.15242 of 2011 dated 29.11.2019 passed by this Hon`ble court within the time stipulated 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.P.Kottai Chamy, Government Advocate (Crl.side) on behalf of the Respondent, the court made the following order:-

The learned Counsel for the petitioner would submit that the petitioner is the accused in Cr.No.7 of 2011 registered by the respondent Police for the offence under Sections 120(b), 408, 409, 465, 467, 468, 471, 477(A) r/w 109 of IPC. The petitioner has applied for anticipatory bail before this Court in Crl.O.P.(MD) No.15242 of 2011 and this Court, while granting anticipatory bail, directed the petitioner to deposit a sum of Rs.1,00,000/- to the credit of Cr.No.7 of 2011 on the file of the respondent Police before the learned Judicial Magistrate, Pattukotai. The learned Counsel for the petitioner would submit that thereafter, the respondent had completed the investigation and the case was taken up for trial in C.C.No.463 of 2012 and after full fledged trial, the



petitioner along with other accused were acquitted on 29.08.2011. He would further submit that thereafter, the State has not filed any appeal and that the petitioner's deposit of Rs.1,00,000/- is lying without any use and there is no purpose in keeping the amount and that the present petition is filed seeking a direction to direct the learned learned Judicial Magistrate, Pattukottai to return the deposited amount to the petitioner.

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2.He would further submit that in respect of similarly placed accused, this Court, by order dated 01.09.2022. in Crl.M.P.(MD) No.10409 of 2022 in Crl.O.P.(MD)No.15568 of 2011, has directed for return of amount and hence, he seeks return of deposited amount.

3.The learned Government Advocate (Crl.side) would submit that the petitioner has been acquitted and in respect of similarly placed accused, this Court has already granted relief to them.

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 of the aforesaid amount. Hence, this petition is allowed and the the learned Judicial Magistrate, Pattukottai, is directed to refund the amount to the petitioner that was deposited by him in Cr.No.7 of 2011 by following proper procedure.

sd/-

06/12/2022

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/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
CCIW, CID, POLICE STATION,
THANJAVUR DISTRICT

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

ORDER

IN

CRL MP (MD) No.15057 of 2022

IN

CRL OP (MD) No.15242 of 2011

Date :06/12/2022

CMR

MK/SSS/SAR 1/21.12.2022/2P/5C

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