



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

Friday, the Fourth day of February Two Thousand and Twenty Two
PRESENT

The Hon'ble Mr. Justice G.ILANGOVAR

CRL MP(MD) No.11496 of 2021

IN

CRL OP(MD) No.11016 of 2010

A.C.BALAMURUGAN

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.285 OF 2010).

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order to direct the learned Additional District Munsif Cum Judicial Magistrate, Sivagiri to refund a sum of Rs.1,00,000/- which was deposited in the credit of Cr.No.285 of 2010 on the file of the Respondent police on 18/11/2020.

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.SASIKUMAR V, 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 was filed seeking a direction to the Additional District Munsif Cum Judicial Magistrate, Sivagiri, to refund a sum of Rs.1,00,000/- which was deposited by the petitioner to the credit of Crime No.285 of 2010 in pursuant to the order of this Court in Crl.O.P.(MD)No.11016 of 2010 dated 05.10.2010.

2. While granting the anticipatory bail, the above said condition of depositing a sum of Rs.1,00,000/- was ordered by this Court. Complying the order of this Court, the petitioner had deposited a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Judicial Magistrate, Sivagiri and a copy of the deposited receipt was also produced. A report has been called for from the learned Additional District Munsif cum Judicial Magistrate, Sivagiri as to the stage of investigation in Crime No.285 of 2010, and the learned Additional District Munsif cum Judicial Magistrate, Sivagiri, has submitted a report dated 20.12.2021 that the case has been closed as barred by limitation under Section 468 of Cr.P.C., on 06.12.2014.



3. Seeking refund of the above said deposited amount, the petitioner made an application to the concerned Court which came to be returned stating that the First Information Report has been closed as barred by limitation and records were already destroyed. Therefore, this petition came to be filed.

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4. The amount deposited by the petitioner to the credit of the Crime No.285 of 2010 must be refunded to the petitioner. Simply because, the records have been destroyed, the trial Court cannot refuse the request of the petitioner. The trial Court may take this as an order of refund also. The learned Additional District Munsif cum Judicial Magistrate, Sivagiri, is directed to refund the deposit amount of Rs.1,00,000/- to the petitioner on proper verification of identity by producing attested photographs with the relevant records. After verifying of the identity of the petitioner, the amount shall be refunded to the petitioner as per the Rules within a period of 10 days from the date of formal application to be made by the petitioner in this regard. Compliance report may be submitted to the Registry, after the process is over.

5. This petition is allowed.

sd/-
04/02/2022

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/ /2022

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

TO

1. THE ADDITIONAL DIST MUNSIF CUM JUDICIAL MAGISTRATE,
SIVAGIRI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-904[I] dated 08/02/2022)

ORDER IN
CRL MP(MD) No.11496 of 2021
IN
CRL OP(MD) No.11016 of 2010
Date :04/02/2022

USK/JM/SAR-I/14.02.2022/2P/6C