



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19027 of 2023

Donia Joseph

... Petitioner

Vs.

State Rep. by its
The Inspector of Police,
City Crime Branch,
Coimbatore City & District.
(Crime No.41 of 2021)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Learned Judicial Magistrate No.VII, Coimbatore to disburse forthwith the amount of Rs.3,67,500/- to the petitioner in view of the order dated 14.11.2022 in Crl.M.P.No.13383/2022 on the file of the Learned Judicial Magistrate No.VII, Coimbatore.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed for a direction to the learned Judicial Magistrate VII, Coimbatore, to disburse the amount of Rs.3,67,500/- to the petitioner in view of the order passed in CrI.M.P.No.13383/2022 dated 14.11.2022.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the respondent.

3. A similar petition was filed before this Court in CrI.O.P.No.13030 of 2023 and this Court disposed of the petition by an order dated 13.06.2023. The relevant portions of the order are extracted below:

“2. It is the submission of the learned counsel for the petitioner that, petitioner is one of the victim in a job racketing case registered in Crime No.41 of 2021 on the file of the respondent. When granting bail to the accused, this Court in CrI.O.P.No.19815 of 2021 directed the accused to deposit a sum of Rs.50,00,000/- to the credit of the Crime No.41 of 2021 and upon such deposit, it was ordered that, amount may be disbursed



proportionately in favour of the de-facto complainant and other victims. On the basis of this order, petitioner filed CrI.M.P.No.10356 of 2022 seeking his proportionate share, on the deposit amount of Rs.50,00,000/-. Accordingly, learned Judicial Magistrate No.VII, Coimbatore passed an order on 14.11.2022, directing payment of Rs.2,45,000/- to the petitioner. Despite this order, the amount is not paid, for the reason that, accused filed a petition in CrI.O.P.No.5308 of 2023, challenging the order passed by learned Judicial Magistrate No.VII, Coimbatore. The petitioner has also filed a memo before the learned Judicial Magistrate seeking payment of Rs.2,45,000/- . Till now, no payment is made. Therefore, this petition.

3. In the light of the submissions made and recorded above, this Court directs the learned Judicial Magistrate No.VII. Coimbatore to comply with the order passed in CrI.M.P.No.10356 of 2022, unless there is a legal prohibition, like order of stay passed by this Court against the disbursement of the amount.”

4. This Criminal Original Petition can also be disposed of in terms of the above order. Hence, there shall be a direction to the learned Judicial Magistrate VII, Coimbatore to comply with the order passed in CrI.M.P.No.13383/2022, unless there is a legal prohibition, like an order of stay passed by this Court against the disbursement of the amount.



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N.ANAND VENKATESH, J

SSR

This Criminal Original Petition is disposed of with the above direction.

23.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

To

1. The Judicial Magistrate No.VII,
Coimbatore
2. The Inspector of Police,
City Crime Branch,
Coimbatore City & District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.19027 of 2023

(2/2)