



CRL MP(MD) No.331 of 2023

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

Tuesday, the Tenth day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL MP(MD) No.331 of 2023
IN
CRL OP(MD) No.5103 of 2007

PACKIYAM

... PETITIONER/ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
(CRIME NO.42 OF 2007)

... RESPONDENT/COMPLAINANT

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 No.II, Madurai in unnumbered Cr.M.P.No. of 2022 to refund the amount of Rs.30,000/- to the petitioner which was deposited on 14.06.2007 and thus render justice.

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. MAHENDRAPATHY.S, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Govt. Advocate(CRL Side) on behalf of the Respondent the court made the following order:-

This petition has been filed seeking for a direction to the learned (*)Judicial Magistrate No.II, Madurai in an unnumbered Cr.M.P.No. of 2022 to refund the amount of Rs.30,000/- to the petitioner, which was deposited by her on 14.06.2007.

2.The learned Counsel for the petitioner would submit that the petitioner is a



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sole accused in Cr.No.42 of 2007 on the file of the respondent Police for the offence punishable under Section 420 of IPC. Earlier, the petitioner had filed a petition before this Court for anticipatory bail in Crl.O.P.(MD)No.5103 of 2007 and this Court by order, dated 13.06.2007 had granted anticipatory bail to the petitioner with a condition to deposit Rs.30,000/- to the credit of crime number. He would submit that in compliance of the same, the petitioner had deposited the said sum.

3.The learned Counsel for the petitioner would submit that after investigation, the respondent has filed a charge sheet and the case was taken up for trial in C.C.No.125 of 2009 and after full fledged trial, the petitioner was acquitted by the learned (*)Judicial Magistrate No.II, Madurai by order, dated 10.02.2021. He would submit that neither the State nor the de-facto complainant went an appeal and the order of acquittal has become final and thereby, the present petition has been filed seeking for a direction to permit the petitioner to withdraw the amount of Rs.30,000/- deposited by her to the credit of crime number.

4.The learned Government Advocate (crl.side) would submit that the petitioner is the sole accused in in Cr.No.42 of 2007 on the file of the respondent Police and she has been acquitted by order, dated 10.02.2021 in C.C.No.125 of 2009 by the learned (*)Judicial Magistrate No.II, Madurai

5.Taking into consideration the facts and circumstances of the case and also the



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fact that the petitioner was acquitted by the learned (*)Judicial Magistrate No.II, Madurai a direction is issued to the learned (*)Judicial Magistrate No.II, Madurai to refund the amount, which was deposited by the petitioner, in compliance of the order passed by this Court, in Crl.O.P.(MD)No.5103 of 2007, dated 13.06.2007. Accordingly, this petition is allowed.

sd/-
10/01/2023

(*)Amended as per order of this
Hon'ble Court in CRL MP(MD).
13565/2024 in CRL MP(MD).331/2023
in CRL OP(MD).5103/2007 Dated
12/12/2024

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
25/01/2023

1 THE JUDICIAL MAGISTRATE NO.I, FAC, MADURAI.

2 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

3 THE DO THROUGH CHIEF JUDICIAL MAGISTRATE, MADURAI.

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, MADURAI DISTRICT.

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



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+1 CC TO MR.S.MAHENDRAPATHY, ADVOCATE, SR-73383[F] DATED
12/12/2024

ORDER

IN

CRL MP(MD) No.331 of 2023

IN

CRL OP(MD) No.5103 of 2007

Date :10/01/2023

TR/VR/SAR-III(23.01.2023) 4P 6C

RS/SKN/SAR-(18.12.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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