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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 10841 of 2024

S.Sathish Kumar
S/o. Subramanian,
21 ,7th Cross Street,
Anna Nagar, Nellithope (S.O),
Pondicherry 605 005

Petitioner

Vs

1. The Registrar (General)
   Madras High Court,
   Chennai 600 104.

2. State,
   Rep. by The Inspector of Police,
   J.9, Thoraipakkam Police Station,
   Chennai 600 007.

3. S.B.Lakshmi
4. Manjula
5. Anandhi

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus to direct the 1st respondent to trace out

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the back buncle and consequently permit to withdraw the amount Rs.4,00,000/- deposited dated 27.03.2023 in Crime No.117 of 2022 pending on the file of the Hon'ble Judicial Magistrate-II, Alandur Court, Chennai 600 016.

For Petitioner : Mr.R.Ravindraram

For Respondents : M/s. N.K. Kanthimathi
for R1
: Mr.E.Raj Thilak,
Additional Public Prosecutor
for R2

* * * * *

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The prayer in the petition has worked itself out since the records and proceedings have been re-constructed. This was required for withdrawing the amount of Rs.4 lakhs that was deposited on 27.03.2023 in Crime No.117 of 2022 pending on the file of Judicial Magistrate No.II, Alandur Court, Chennai-16.

2. Petitioner is seeking withdrawal of the amount. The fact is, the complaint was lodged by the father of petitioner. The father has expired on or about 09.01.2024. The Judicial Magistrate, therefore, has directed and

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we are informed orally, that petitioner should either get a clearance from this Court to withdraw the money or get proper heirship certificate as the only legal heir of Late Subramanian, who is entitled to the money.

3. Mr.Ravindraram appearing for petitioner states that Subramanian left behind a widow and two sons, one of them is petitioner herein. Petitioner may apply to the learned Judicial Magistrate No.II, Alandur, for withdrawal of the amount of Rs.4 lakhs and the Judicial Magistrate may pass such order as he deems fit in accordance with law, after being satisfied that petitioner is entitled to withdraw.

Petition is disposed of. There shall be no order as to costs.

(K.R.SHRIRAM., CJ.) **(SENTHILKUMARRAMAMOORTHY, J.)**
17.12.2024

Index : Yes/No
NC : Yes/No

sra

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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(sra)

To:

The Judicial Magistrate-II,
Alandur Court, Chennai-16.

W.P.No.10841 of 2024

17.12.2024

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