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Crl.M.P.No.993 of 2024
in Crl.R.C.No.347 of 2021

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M. NIRMAL KUMAR, J.

The petitioner/wife is the respondent in Crl.R.C.No.347 of 2021. The respondent herein is her husband. Initially, the Criminal Revision Case was filed with a delay of 291 days in Crl.M.P.No.2238 of 2021 in Crl.R.C.SR.No.6521 of 2021. This Court, by order dated 09.04.2021, had condoned the delay with a condition that the petitioner therein to deposit the entire arrears amount to the credit of Crl.R.C.SR.No.6521 of 2021. Thereafter, an amount of Rs.2,57,000/- was deposited by the respondent/husband. The Joint Registrar (Appellate Side) had given the Certificate of Funds dated 20.03.2023.

2.It is submitted that the amount of Rs.2,57,000/- had been deposited to the credit of Crl.R.C.SR.No.6521 of 2021 at the SR stage. Thereafter, the delay condoned and the case was numbered as Crl.R.C.No.347 of 2021, taken on file and it was disposed on 28.06.2021.



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3.The contention of the petitioner herein is that this amount of Rs.2,57,000/- to be returned to the petitioner in view of dismissal of Crl.R.C.No.347 of 2021. He further submitted that against the dismissal, the respondent/husband had preferred SLP (Crl.) Nos.7389-7392 of 2021 and the Hon'ble Apex Court by order dated 30.08.2022, dismissed the SLP confirming the order of this Court in Crl.R.C.No.347 of 2021. He further submitted that the petitioner's initial has been wrongly mentioned as 'K.Hemalatha' instead of 'S.Hemalatha'. The Hon'ble Apex Court vide its proceedings dated 30.03.2022 had granted permission to correct the name of the respondent therein as 'S.Hemalatha' in place of 'K.Hemalatha'. The learned counsel further produced the bank particulars and Aadhar card details wherein the petitioner's name has been mentioned as S.Hemalatha. He further referring to the certificate issued by this Court in R.O.C.No.13/2023/A2 (Accts) dated 20.03.2023 confirming the deposit of Rs.2,57,000/- and also her name has been referred as K.Hemalatha.

4.Now the prayer of the petitioner is that the petitioner may be permitted to withdraw the amount of Rs.2,57,000/- which is lying in the credit of Crl.R.C.SR.No.6521 of 2021 before this Court and also to correct the initial of the petitioner from K.Hemalatha to S.Hemalatha.



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5.The learned counsel appearing for the respondent/husband concurs with the petitioner's submission and has got no objection for the petitioner to withdraw the said amount.

6.In view of the above, the Registry is directed to refund the amount of Rs.2,57,000/- to the petitioner, which is lying in the credit of Crl.R.C.SR.No.6521 of 2021 (later numbered as Crl.R.C.No.347 of 2021) before this Court. The Registry is also directed to correct the initial of the petitioner as 'S.Hemalatha' in the place of 'K.Hemalatha'.

7.With the above directions, this Criminal Miscellaneous Petition is ordered.

29.01.2024

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