



Crl.O.P.(MD)No.9402 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.9402 of 2024

K.Mathivanan

... Petitioner/Defacto
Complainant

Vs.

The State rep.by the Inspector of Police,
karur Town Police Station,
Karur.
Crime No.90 of 2022.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order, dated 03.05.2024 in unnumbered Crl.M.P.No.... of 2024, by the learned Judicial Magistrate No.I, Karur, by allowing the petition and consequently, direct the learned Judicial Magistrate No.I, Karur to number the application under Section 452 of Cr.P.C.

For Petitioner : Mr.S.Lawrence Vimalraj

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



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ORDER

The Criminal Original Petition is directed against the order of return made by the learned Judicial Magistrate No.I, Karur, dated 03.05.2024 in the petition filed under Section 452(1) of Cr.P.C, for releasing the amount lying in the Court deposit, which came to be deposited by the accused in pursuance of the bail conditions imposed by this Court.

2. The learned Magistrate has returned the above petition stating that there was no direction by the High Court to return the said amount to the defacto complainant.

3. It is not in dispute that after trial, the learned Magistrate has passed the conviction judgment and even in the judgment, compensation was not awarded to the defacto complainant. Moreover, even in the bail order passed by this Court, this Court, taking note of the facts and circumstances and the submissions made by the learned counsel on either side, considering the undertaking affidavit given by the petitioner/accused to show his *bonafide* that he was ready to deposit the amount of Rs.7,00,000/-, directed the accused therein to deposit the said amount



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before the trial Court without prejudice to his right and contentions within a period of three weeks and this Court has neither made any direction nor any observation that the petitioner herein is entitled to get the amount and such an observation cannot be made at the time of granting bail.

4. In the absence of any material to show that the petitioner was given permission to get back that amount, the return made by the learned Magistrate cannot be found fault with. Consequently, this concludes that the Criminal original Petition is devoid of merits and the same is liable to be dismissed.

5. In the result, the Criminal Original Petition is dismissed.

09.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

K.MURALI SHANKAR,J.



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das

To

- 1.The Judicial Magistrate No.I, Karur.
- 2.The Inspector of Police,
Karur Town Police Station,
Karur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.9402 of 2024

Dated: 09.09.2024