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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twelfth day of September Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
AND

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

CRL MP(MD). No.8136 of 2024
in
HCP(MD) No.1597 of 2022

A.Souriraj

... Petitioner/Petitioner

Vs

1 The Superintendent of Police
Trichy District,
Trichy.

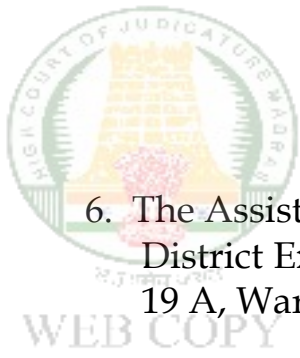
2 The Inspector of Police
Samayapuram Police Station,
Lalgudi Taluk, Trichy District.

3 A.Rajamanickam

4 Royal Prasanth
S/o. Edward Arockiyaraj

(4th Respondent Cause title Amended vide Court order
dated 13.08.2024 made in Crl.MP(MD) No.8136 of 2024)

5 The Station Commander,
Station Head quarters,
Royal Road, Cantonment, Trichy -620 001.



6. The Assistant Director,
District Ex-servicemen's Welfare Office,
19 A, Warners Road, Cantonment, Trichy - 620 001.

... Respondents/Respondents

Prayer in CrI.MP(MD) No.8136 of 2024:-

Criminal Miscellaneous Petition filed U/s.528 of B.N.S.S. to permit the petitioner to withdraw the amount lying in the fixed deposit in the name of petitioner's sons, namely, (1)Kevinvarne (aged about 14 yrs), (2) Castro Bensikar (aged about 12 yrs) in the Indian Bank, High Court Branch, Madurai each Rs.900000 as per order passed in HCP(MD) No.1597 of 2022, dated 18.10.2022.

Prayer in Habeas Corpus Petition(MD) No. . 1597/ 2022 :

Petition filed under Article 226 of Constitution of India to issue a writ of Habeas Corpus , directing the first and second respondents herein to produce the body or person of petitioner's sons namely (1)Kevinvarne, (aged about 14 years) S/o.Souriraj and (2) Castro Bensikar, (aged about 12 years), S/o.Souriraj before this Court from the illegal custody of the third and fourth respondents and handover the custody to the petitioner.

ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day
<https://www.mhc.tn.gov.in/judis>
and upon perusing the petition and the affidavit filed in support thereof and upon



hearing the arguments of Mr.A.Saravanan, Advocate for the Petitioner and of Mr.T.Senthil Kumar, Additional Public Prosecutor, for the first and second respondents, this Court made the following order:

This Criminal Miscellaneous Petition has been filed seeking a direction to withdraw the amounts lying in the fixed deposits in the name of the two minor sons of the petitioner namely 1.Kevinvarne (aged about 14 years) 2.Castro Bensikar (aged about 12 years) for a sum of Rs.9 lakhs each in the Indian Bank, High Court Branch, Madurai. The fixed deposits had been directed to be opened consequent to direction in H.C.P (MD) No.1597 of 2022, by order, dated 18.10.2022.

2.When the matter came up on earlier occasion, with the assistance of Mr.T.Senthil Kumar, learned Additional Public Prosecutor, the two children have now been admitted to the Bishop Heber Higher Secondary School, Teppakulam, Trichy. The elder boy had been admitted to 11th standard and the younger boy had been admitted to 9th standard. They have been assured further admission for 12th standard and 10th standard also respectively. They have also been accommodated in the hostel which is attached to the said School.

3. The School fees details have been given by the learned Additional

Public Prosecutor and they are as follows :



For Ma.S.Kevin Varne, age 15, 11th & 12th Standard;

School fees : Rs.25,000/- per year +

Hostel fees : Rs.32,600/- per year

Total Rs.57,600 x 2 years = Rs.1,15,200/-

For Ma.S.Castro Bensikar, age 13, 9th & 10th Standard;

School fees : Rs.30,000/- per year +

Hostel fees : Rs.32,600/- per year

Total Rs.62,600 x 2 years = Rs.1,25,000/-

4. We had an interaction with the Manager, Indian Bank, Madurai Bench of Madras High Court Branch, Madurai and it has been informed that the amount of Rs.9,00,000/- in the names of two children have been invested in two fixed deposits and there is an accrued interest in the said fixed deposit. We are not inclined to break the fixed deposit on any ground what so ever. But the accrued interest would be sufficient to pay the fees of Rs.57,600/- for the first year for the first boy for 11th standard which would include the school fees and also the hostel fees and Rs.62,600/- for the second boy for 9th standard which will again include the school fees and hostel fees.

5. The Manager, Indian Bank, Madurai Bench of Madras High Court Branch, Madurai may take demand drafts directly from the Bank on preparing debit notes in favour of CSI TA BHHSS Management Account with respect to School fees and hostel fees.

6. Four separate demand drafts in favour of CSI TA BHHSS Management



balance interest and the principle of the fixed deposit may be reinvested for a further period of one year and in the next year of study, the School fees and hostel fees which are payable to the School can be again paid in the same manner by utilizing the accrued interest and if required a small portion of the fixed deposit if the amount requires to be so adjusted.

7. No further orders are required in this petition. The Criminal Miscellaneous Petition is disposed of accordingly.

8. We place our deep appreciation for the assistance rendered by M.Gnana Saroja, Manger, Indian Bank, Madurai Bench of Madras High Court, Madurai.

9. We are confident that if the petitioner wants to visit and meet the children when they are in the hostel, the School authorities would not deny him that pleasure.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)



TO

1. The Superintendent of Police
Trichy District Trichy.
2. The Inspector of Police
Samayapuram Police Station Lalgudi Taluk
Trichy District.
3. The Station Commander
Station Headquarters Royal Road Cantonment
Trichy-620001.
4. The Assistant Director,
District Ex-servicemen's Welfare Office,
19 A, Warners Road, Cantonment,
Trichy - 620 001.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

1. The Manager, Indian Bank,
Madurai Bench of Madras High Court,
Madurai.
2. The Head Master,
Bishop Hebear Higher Secondary School,
Teppakulam, Trichy.
3. Mr. T. Mohan, President
District Child Welfare Committee,
NFT. Macdonald Road,
Cantonment (Backside of Kalaiyarangam Theatre)
Trichy - 1.
4. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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ORDER DATED : 12/09/2024

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ORDER

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CRL MP(MD). No.8136 of 2024

in

HCP(MD) No.1597 of 2022

Giving direction and etc.
as stated within.

MGJ(27.09.2024) 7P 10C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023