



W.P.(MD) No.13347 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.13347 of 2017

V.R.Radhakrishnan

... Petitioner

/vs./

1.The Superintending Engineer,
TANGEDCO,
Madurai Metro,
Race Course Road, K.Pudur,
Madurai – 7.

2.Assistant Executive Engineer,
TANGEDCO,
Pasumalai Section Office,
Pasumalai Road, Madurai.

3.Assistant Executive Engineer,
TANGEDCO,
Pasumalai, Madurai.

4.Assistant Engineer,
TANGEDCO,
Pasumalai, Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to pay back the



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petitioner made deposit against the SC No.1541 of Rs.90,317/- at various dates from September 2002 to January 2003 with the respondents against the Cr.No. 941/2002 along with interest and restore the power supply to domestic connection of SC.No.482 in the same premises and fix a time frame.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.S.Deenadhayalan
Standing counsel for RR1to4

ORDER

The Writ Petition had been filed seeking for a Mandamus to direct the respondents to pay back the deposit made by the petitioner in service connection No.1541 to the tune of Rs.90,317/- which had been made, pursuant to the orders of this Court in an anticipatory bail application arising out of Crime No.941 of 2002.

2. The case of the petitioner is that he had been involved in a case of theft of energy of which the petitioner was also proceeded both under the Regulations as well as through criminal proceedings. Under the Regulations a Provisional Assessment order was passed, upon which a final assessment order



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was passed and the Writ Petitioner had also not challenged the same before this Court. However, when the petitioner had approached this Court for an Anticipatory Bail in a prosecution launched by the respondents, this Court granted anticipatory bail on the condition that the petitioner deposits a sum of 1/3rd of the demand amount with the respondents. Pursuant to the condition granted by this Court, the petitioner had also deposited the said amount with the respondents however, after full trial of the criminal case arising out of the Crime No.941 of 2002 which had culminated into C.C.No.21 of 2010 on the file of Principle District Judge, Madurai, the petitioner had been acquitted of all charges. However, while acquitting the petitioner, the trial Court had erred in not discharging the bail bond and return of the deposit which was a condition for grant of bail. Since, the petitioner had been acquitted, the petitioner had sought the respondents to refund the deposited amount and since, the same had not been returned, the petitioner had approached this Court.

3. On the contrary, the learned Standing Counsel appearing on behalf of the respondents would contend that the amount had been deposited not to the credit of the Crime number, but to the credit of the petitioner's service



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connection and therefore, there is no question of refund of the amount. He would submit that a condition was stipulated in view of the orders of the assessment which the petitioner had suffered and therefore, such payment of compliance of such condition cannot be refunded to the petitioner.

4. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

5. Even though, the deposit had been made by the petitioner to the account of the service connection, but, the same had been made pursuant to the condition imposed upon him for grant of bail on a criminal case. When a criminal case ends in favour of the accused, the bail bond executed in favour of the petitioner would have to be discharged and any condition to such grant of bail would also to be refunded to the accused. Even though, this Court had directed the petitioner to make a payment of 1/3rd of the demand amount, the same relates to the condition that had been imposed for grant of bail in a criminal case. The petitioner had been acquitted in the criminal case and it is



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unfortunate that the learned trial Judge did not cancel the bail bond that had been executed by the petitioner on his acquittal.

6. The learned trial Judge had also failed to note that the bail was on a condition that the petitioner deposits a sum of 1/3rd to the bail bond had been discharged and the repayment of the compliance of the conditional order ought to have been made by the learned trial Judge himself.

7. In such view of the matter, I am inclined to direct the second respondent to refund the sum of Rs.90,317/-, deposited by the petitioner pursuant to the condition for grant of bail, eventhough, the same had been credited to the service connection of the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

8. It is made clear that this order will not preclude the respondents from initiating appropriate action for recovery of the sum due under the Assessment order in the manner known to law.



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9.With the aforesaid observations, this Writ Petition stands allowed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
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To

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K.KUMARESH BABU, J.

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