



CRL MP(MD). No.13168 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Fourth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL MP(MD). No.13168 of 2024

in

CrI.R.C.(MD)No.630 of 2018

T.P.Selvarayan (Died)

1. Thomasrayan
2. Rajamani
3. Jacquelyn

..Petitioners/Respondents

Vs

Babulal Surana

... Respondent/Petitioner

Prayer :-

Criminal Miscellaneous Petition filed under section 528 of BNSS, 2023 To modify the common order passed in CrI.R.C.(MD).No.630 of 2018 dated 18.04.2023 by directing the Learned Judicial Magistrate Court, Valliyoor to disburse a sum of Rs.10,00,000/- lying in the credit of C.C.No.316 of 2006 and thus permitting the petitioners to withdraw the same.

Prayer in CrI.R.C.(MD)No.630 of 2018:-

Criminal Revision Cases filed under Section 397 r/w by the I Additional District and Sessions Judge, Tirunelveli in CrI.A.Nos.129, 130 & 131 of 2015, respectively dated 19.01.2018 in C.C.Nos.316,236 and 237 of 2006 respectively on the file of the learned Judicial Magistrate, Valliyur, dated 25.11.2015 and to allow this revision.



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ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. N. Vignesh, Advocate for the Petitioners and of Mr. V. Ramamurthy, Advocate for the respondent, this Court made the following order:

“This petition has been filed to modify the common order passed in CrI.R.C.(MD)No.630 of 2018 dated 18.04.2023 by directing the Judicial Magistrate, Valliyoor, to disburse a sum of Rs.10,00,000/- lying in the credit of C.C.No.316 of 2006.

2. This Court by order dated 18.04.2023, recorded in paragraph No.7 of the order that while suspending the sentence of the accused, imposed condition to deposit entire cheque amount. On deposit, the petitioners were permitted to withdraw the entire cheque amount. But, the petitioner's were permitted to withdraw 50% of deposited amount and the remaining amount that is to the tune of Rs.10,00,000/- lying in the credit of C.C.No.316 of 2006 on the file of the Judicial Magistrate, Valliyoor and prayed the same to be disbursed to the petitioners.



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3. In view of the above, the petitioners are permitted to withdraw 50% of deposited cheque amount, i.e., to the tune of Rs.10,00,000/-, on filing of necessary petition before the trial Court. It is made clear that the trial Court is directed to permit the petitioners to withdraw the deposited amount, without ordering notice to the accused.

4. With the above direction, this Petition is allowed.”

Sd/-

Assistant Registrar(C.O)

// True Copy //

/12/2024

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

TO

1. The Judicial Magistrate, Valliyoor.
2. The I Additional District and Sessions Judge,
Tirunelveli.



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Copy to:

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- 1.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai
- 2.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 04/12/2024

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ORDER

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CRL MP(MD). No.13168 of 2024

in

CrI.R.C.(MD)No.630 of 2018

Giving direction and etc.
as stated within.

KVL(16/12/2024) 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023