



Crl.O.P.(MD)No.882 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.01.2024

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.882 of 2024

Selvi

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
District Crime Branch Police Station,
Trichy.

2.A.M.Prabhu

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the returned docket order passed by the Principal District and Sessions Judge, Trichy and consequently direct to number the unnumbered CR.M.P. Petition filed by the petitioner which stands as filing No.9600 of 2023.

For Petitioner : Mr.S.M.A.Jinnah

For R1 : Mr.B.Thanga Aravindh

Government Advocate (Crl.side)

ORDER

The grievance of the petitioner is that though the second respondent / accused was enlarged on bail on condition that he should deposit a sum of Rs.4,00,000/- to the credit of Crime No.17 of 2023 of

District Crime Branch, Trichy and the said amount was also deposited to the



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credit of Crime No.17 of 2023, the petitioner's application in Cr.M.P. Filing No.9600 of 2023 in Cr.M.P.No.3805 of 2023 was returned by the learned Principal District and Sessions Judge, questioning the maintainability of the said petition.

2. The learned counsel appearing for the petitioner drew the attention of this Court to the order passed by the learned Principal District and Sessions Judge, in Cr.M.P.No.3705 of 2023 and in Cr.M.P.No.4034 of 2023, wherein, the defacto complainant was permitted to withdraw the amount deposited by the petitioner / accused before the concerned Court. He would therefore contend that the return of the petition by the learned Principal District and Sessions Judge, Trichy, Cr.M.P. Filing No.9600 of 2023 in Cr.M.P.No.3805 of 2023, is erroneous and therefore, the concerned Judicial Officer should be directed to number the application.

3. The learned Principal District and Sessions Judge, Trichy, had only returned the application questioning the maintainability of the same and it is for the counsel for the petitioner to convince the Court as to how the petition is maintainable. On re-presentation of the said application, the learned Principal District and Sessions Judge, Trichy, is directed to consider the arguments put forth by the petitioner and number the



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application, if it is otherwise in order.

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4. With the above direction, the Criminal Original Petition is disposed of.

22.01.2024

Index : Yes/No

Internet: Yes/No

LS

To

- 1.The Principal District and Sessions Judge,
Trichy
- 2.The Inspector of Police,
District Crime Branch Police Station,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. HEMALATHA, J.,

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Note: Registry is directed to return the original documents after obtaining necessary acknowledgment from the learned counsel for the petitioner.

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