



W.P.No.586 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.586 of 2024

Subash Kapoor
S/o.Parshotham Ram Kapoor

... Petitioner

Vs.

1. The Secretary,
The Department of Law,
Tamil Nadu Government,
Secretariate, Chennai.
2. The Inspector General of Prisons,
(ADGP & IG of Prisons),
Tamilnadu Department of Prisons,
Whannels Road, Egmore,
Chennai.
3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
4. The Shresthar,
Judicial Magistrate Court No.1,
Jeyakondam, Ariyalur District.



W.P.No.586 of 2024

5. The Inspector of Police,
Idol Wing Crime Investigation Department,
Udayarpalayam Police Station,
Ariyalur District.
(Crime No.65/2008)

6. The Treasury,
Trichy Central Prison,
Trichy District.

... Respondents

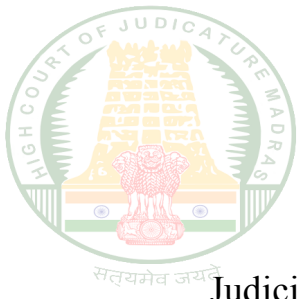
Prayer : The Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the fourth respondent to refund the deposited money of Rs.10 lakhs in CrI.M.P.No.6465 of 2012 in C.C.No.180 of 2011 on the file of the Judicial Magistrate No.1, Jeyakondam on 30.07.2013 with accrued interest to the third respondent prison account and consequently direct them to credit the same to the petitioner namely, Subash Kapoor, S/o.Parshotham Ram Kapoor, prisoner's account in RP.No.6800.

For Petitioner : Mr.J.Vijayaraja

For Respondent : Mr.A.Gopinath
Nos.1 to 3, 5 & 6 Government Advocate (CrI.Side)

ORDER

This Writ Petition has been filed seeking direction to the fourth respondent to refund the deposited money of Rs.10 lakhs in CrI.M.P.No.6465 of 2012 in C.C.No.180 of 2011 on the file of the



W.P.No.586 of 2024

WEB COPY

Judicial Magistrate No.1, Jeyankondam on 30.07.2013 with accrued interest to the third respondent prison account and consequently direct them to credit the same to the petitioner namely, Subash Kapoor, S/o.Parshotham Ram Kapoor, prisoner's account in RP.No.6800.

2. The petitioner is an accused in idol theft case in C.C.No.180 of 2021 on the file of the learned Judicial Magistrate No.1, Jeyankondam. The petitioner was abroad and as such, the petitioner did not appear before the trial court. Hence, the trial Court has issued Non bailable warrant as against the petitioner. Thereafter, he has filed an application to-recall the Non bailable warrant before the learned Judicial Magistrate No.1, Jeyankondam in CrI.MP.No.2492 of 2012, the same was allowed on 12.04.2012 with certain conditions that the petitioner should deposit a sum of Rs.10,00,000/- to the credit of C.C.No.180 of 2011.

3. Aggrieved by the said order, the fifth respondent filed an application before this Court in CrI.OP.No.9983 of 2024. This Court vide order dated 27.04.2012, set aside the order passed by the learned Judicial Magistrate No.1, Jeyankondam in CrI.MP.No.2492 of 2012 dated 12.04.2012, i.e., cancelling the Non Bailable Warrant and all the



W.P.No.586 of 2024

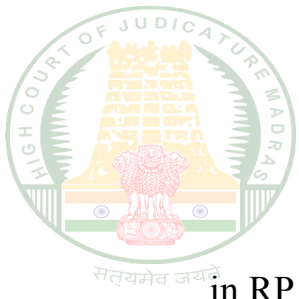
WEB COPY

subsequent proceedings including the execution of bond. However, whatever the amount deposited by the petitioner by sureties shall be refunded to them. The petitioner was not refunded the amount which was deposited by him for re-calling the non bailable warrant so far.

4. After completion of trial, the petitioner was convicted and sentenced to undergo 10 years imprisonment. Further, in another case, the petitioner was also convicted and sentenced to undergo two years. Right now, the petitioner is incarcerated in the Central Prison, Tiruchirapalli.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the petitioner has no account to transfer the said amount. Now, the petitioner is confined at Central Prison, Tiruchirapalli and he has prisoner's account in R.P.No.6800.

6. In view of the above, the fourth respondent is hereby directed to transfer the deposited amount of Rs.10 lakhs in Crl.M.P.No.6465 of 2012 in C.C.No.180 of 2011 on the file of the Judicial Magistrate No.1, Jeyankondam on 30.07.2013 with accrued interest to the petitioner namely, Subash Kapoor, S/o.Parshotham Ram Kapoor, prisoner's account



W.P.No.586 of 2024

WEB COPY

in RP.No.6800 within a period of two weeks from the date of receipt of a copy of this Order.

7. With the above direction, this Writ Petition is disposed of. No costs.

25.02.2025

Vv

To

1. The Secretary,
The Department of Law,
Tamil Nadu Government,
Secretariate, Chennai.
2. The Inspector General of Prisons,
(ADGP & IG of Prisons),
Tamilnadu Department of Prisons,
Whannels Road, Egmore, Chennai.
3. The Superintendent of Prison,
Trichy Central Prison, Trichy District.
4. The Shresthar,
Judicial Magistrate Court No.1,
Jeyakondam, Ariyalur District.
5. The Inspector of Police,
Idol Wing Crime Investigation Department,
Udayarpalayam Police Station,
Ariyalur District.
6. The Treasury,
Trichy Central Prison,
Trichy District.
7. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



W.P.No.586 of 2024

G.K.ILANTHIRAIYAN, J.

Vv

W.P.No.586 of 2024

25.02.2025