



CRL OP(MD). No.14668 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10.09.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.14668 of 2025

Thirumalai Ganesan,

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vasudhevanallur Police Station,
Tenkasi District.
Cr. No.235/2017..

... Respondent

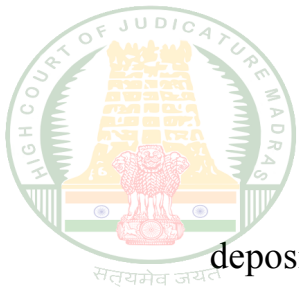
PRAYER :- This Petition filed under Section 528 BNSS / 482 Cr.P.C., to direct the learned Judicial Magistrate, Sivagiri, to return the compensation amount of Rs.1,05,000/- deposited in Crime No.235/2017 in the light of the order of this Honble Court in Crl.OP.(MD).No.13489 of 2017 dated 05.10.2017.

For Petitioner : Mr.G.Karuppasamypandiyan,

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This Petition has been filed to direct the learned Judicial Magistrate, Sivagiri, to return the sum of Rs.1,05,000/- said to have been



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deposited in Crime No.235 of 2017, pursuant to the conditional order imposed by this Court in CrI.OP.(MD).No.13489 of 2017 dated 05.10.2017.

2. The petitioner is an accused in S.C.No.112 of 2024. During investigation, the petitioner approached this Court for anticipatory bail and this Court, in CrI.OP.(MD).No.13489 of 2017, passed the following order:-

“5.(i). the first petitioner shall deposit a sum of Rs.1,05,000/- (Rupees One Lakh and Five Thousand only) to the credit of Crime No.235 of 2017 before the learned Judicial Magistrate, Sivagiri, without prejudice to his defence before the trial Court and on such deposit, the Magistrate is directed to disburse the same as compensation to the de-facto complainant”

3. The petitioner had challenged this order, filed S.L.P to Appeal(CrI.)Nos.532-533 of 2018 before the Hon'ble Supreme Court and the Hon'ble Supreme Court had passed the following order:-

“The petitioners have deposited an amount of Rs.1.05 lacs before the Trial Court. Consequently, the order passed



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by the Trial Court is confirmed. However, it is made clear that the amount will not be disbursed and be kept in a Fixed Deposit.”

4. The learned counsel for the petitioner would submit that the petitioner was tried in S.C.No.112 of 2024 and acquitted, by the judgment dated 02.12.2024 and therefore, the victim therein would not be entitled to any compensation.

5. The learned Public Prosecutor confirms the fact that the petitioner was tried and acquitted in S.C.No.112 of 2024 and that the State has not preferred any appeal challenging the acquittal.

6. Therefore, this Court is the view that the petitioner would be entitled to the amount, which is deposited before the Judicial Magistrate, Sivagiri. The Judicial Magistrate, Sivagiri, is therefore directed to return the said amount to the petitioner, on his filing an appropriate application with the deposit receipt. The learned Magistrate shall consider and dispose of the said application within a reasonable period.



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7. With the above observation, this Criminal Original Petition is disposed of.

10.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS

TO

1. The Judicial Magistrate,
Sivagiri.

2.The Inspector of Police,
Vasudhevanallur Police Station,
Tenkasi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J.

LS

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