

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

BEFORE HON.MR. JUSTICE ALOK VERMA, JUDGE

M.Cr.C. No.6617/2015

Girdharilal S/o Nanuram Chouhan

Vs.

State of Madhya Pradesh

O R D E R

Post for 04.09.2015

**(ALOK VERMA)
JUDGE**

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

BEFORE HON.MR. JUSTICE ALOK VERMA, JUDGE

M.Cr.C. No.6617/2015

Girdharilal S/o Nanuram Chouhan

Vs.

State of Madhya Pradesh

Shri L.N. Soni, learned Senior Counsel with Shri M. Rathi, learned counsel for the applicant.

Ms. Mamta Shandilya, learned counsel for the respondent/State.

O R D E R

(Passed on this 4th day of September, 2015)

This application under Section 482 Cr.P.C. is directed against the order dated 20.07.2015 passed by learned Additional Sessions Judge, Indore in criminal revision No.435/2015 whereby the learned Additional Sessions Judge dismissed a criminal revision which in its turn was directed against order passed by learned Judicial Magistrate First Class in criminal case No.1056/2015 dated 30.06.2015.

Facts giving rise to this application are that the applicants are complainants in a criminal case pending before the Judicial Magistrate, in that case, the accused Rajkumari Chouhan deposited a sum of Rs.6,64,440/-. The learned First Additional Sessions Judge, who passed the bail order in bail application No.1670/2015 dated 02.06.2015 observed that this Court in M.Cr.C. Nos.10487/2014 and 9340/2014 granted bail to co-accused Pradeep, Yogesh and Mahesh on the condition that they

will deposit 50% of amount. On principle of parity, similar order was passed in case of co-accused Rajkumari Chouhan and in compliance of which, she deposited Rs.6,64,440/-.

The present applicants filed an application before the concerning court for withdrawal of the amount which was dismissed and against the order a revision was filed which was also dismissed by the impugned order passed by learned Additional Sessions Judge, Indore in aforesaid criminal revision vide order dated 20.07.2015.

The disposed of record in M.Cr.C. Nos.10487/2014 and 9340/2014 are placed before this Court and on perusal, it is apparent that in the order passed by this Court while granting bail to other co-accused, it was observed that deposition of amount would not extinguish the civil rights and liabilities of both the parties, meaning thereby that the amount be deposited only as a security and not to fulfill the civil liability of the accused persons towards the complainants. If the complainants want, they can file a civil suit claiming the amount from the accused persons, if it is found that some amount is due to them then the amount deposited by the accused persons can be given to them. In other case, this amount can be disbursed only after completion of trial by the criminal court. At this stage, amount cannot be disbursed to the complainants.

In this view of the matter, the order passed by learned Additional Sessions Judge in criminal revision does not suffer from any illegality or irregularity and does not call for any interference of this Court under Section 482 Cr.P.C.

Accordingly, this application has no merit and liable to be dismissed, and therefore, dismissed.

Certified copy, as per rules.

(Alok Verma)
Judge