

T
SLP(Crl.)No. 3276 OF 2001
ITEM No.31

Court No. 9

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 3276/2001

(From the judgement and order dated 27/02/2001 in CRWJC 5/01 of The
HIGH COURT OF JHARKHAND, RANCHI)

MADAN MOHAN ASTHANA

Petitioner (s)

VERSUS

STATE OF JHARKHAND

Respondent (s)

(With Appln(s). for exemption from filing O.T.)
(With Office Report)

Date : 19/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s)

Mr. Ajit Kumar Sinha,Adv.

For Respondent (s)

Mr. Anil Kumar Jha,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T....R
.SP2

Leave granted.
Appeal is allowed.
There shall be no order as to costs.

.SP1

(Suman Wadhwa)
Court Master

(V.P.Tyagi)
Court Master

Signed order is placed on the file.

.PA
.PL55

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.....2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP(Crl.)No.3276/2001)

Madan Mohan Asthana

....Appellant

Versus

State of Jharkhand

....Respondent

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....R
.SP2

Heard learned counsel for the parties.
Leave is granted.

Since the appellant-accused has been acquitted in the criminal case in which he had deposited a sum of Rs.55,000/- as a condition for grant of bail there is no reason why the said amount should not be refunded to him after disposal of the case. The High Court was clearly in error in dismissing the appellants' application for refund of amount in his favour. The order passed on 27.2.2001 in CRWJC No.5/01. It is relevant to note here that the order passed with the Sessions Court judgment that the amount shall be deposited by the accused disposed of on the merits of the case does not mean that after acquittal in the case the said amount shall not be

-2-

refunded to the accused. Accordingly the High Court order is set aside and the said amount shall be refunded to the appellant forthwith.

The appeal is allowed. There shall be no order as to costs.

.SP1

.....J.
(D.P. MOHAPATRA)

New Delhi,
November 19,2001

.....J.
(P.VENKATARAMA REDDI)