

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.8228 of 2019

in CRL RC.No.437 of 2017

S.SOUNDARARAJAN

[PETITIONER]

Vs

K.A.RAGHAVAN NAIDU,

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the order dated 03.06.2019 passed in Crl.M.P.No.6371 of 2019 in Crl.R.C.No.437 of 2017, on the file of this Honble Court by permitting the petitioner to withdraw the sum of Rs.15,00,000/- lying to the credit of C.C No.46 of 2012, on the file of the Judicial Magistrate (Fast Track Court), Vellore

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.ELIZABETH RAVI, Advocate for the petitioner, and of M/S.E.KANNADASAN Advocate for the Respondent, the court made the following order:-

For the sake of convenience, the petitioner and the respondent will be referred to as the complainant and the accused.

2. The Complainant filed C.C.No.46 of 2012 against the accused, under Section 138 of the Negotiable Instruments Act, in which, the accused was convicted and sentenced on 25.11.2014 by the Judicial Magistrate, Fast Track Court, Vellore. Challenging the conviction and sentence, the accused filed Criminal Appeal No.102 of 2014 before the Court of Sessions, which has been dismissed by the Principal District Sessions Judge, Vellore on 02.02.2017. Challenging the conviction and sentence, the accused has preferred Crl.RC.No.437 of 2017 before this Court.

3. During the pendency of the revision petition, it appears that the accused and the complainant are likely to arrive at a compromise. The accused had deposited certain amount in the Trial Court at the time of suspension of sentence. The accused conveyed his no objection

for the complainant to withdraw the deposited amount. The complainant was under the impression that the accused had deposited a sum of Rs.20,00,000/- and therefore, the complainant filed Crl.MP.No.6371 of 2019 in Crl.RC.No.437 of 2017 seeking permission to withdraw the said sum deposited to the credit of C.C.No.46 of 2012 on the file of the Judicial Magistrate, Fast Track Court, Vellore. When the matter was taken up for hearing on 03.06.2019, the learned counsel for the accused submitted that the accused has no objection for the complainant to withdraw the deposited amount. Therefore, this Court allowed Crl.MP.No.6371 of 2019 on 03.06.2019. However, when the complainant approached the Trial Court, he learnt that the accused had deposited only Rs.15 Lakhs and not Rs.20 Lakhs. Hence, the complainant has filed the present miscellaneous petition.

4. Heard the learned counsel for the complainant and the learned counsel for the accused.

5. Mr.E.Kannadasan, leaned counsel for the accused submitted that the accused has no objection in allowing this modification petition.

6. In view of the above, the order dated 03.06.2019 passed by this Court in Crl.MP.No.6371 of 2019 in Crl.RC.No.437 of 2017, is modified to the effect that the complainant will be entitled to withdraw the sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) that has been deposited by the accused in the Trial Court. This petition is ordered, accordingly.

-sd/-
25/06/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT,
VELLORE

2 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VELLORE

+1 C.C. to M/S.ELIZABETH RAVI Advocate on payment of necessary
charges SR.NO.12569

Order

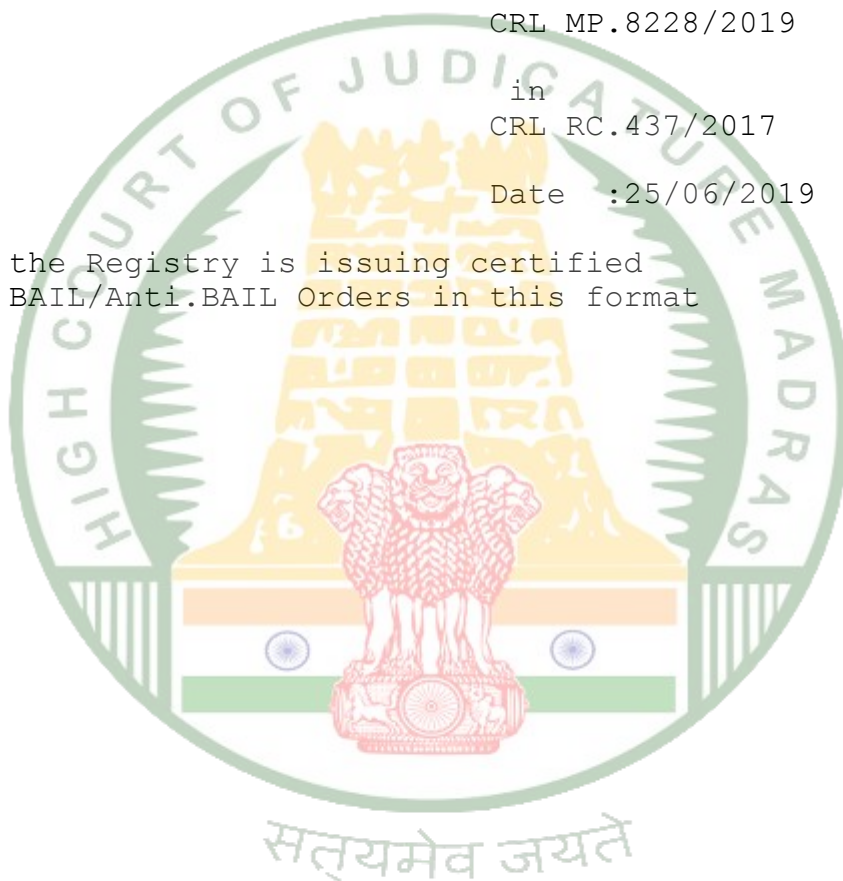
in
CRL MP.8228/2019

in
CRL RC.437/2017

Date :25/06/2019

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cm 26/06/2019



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