

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.21630 of 2019

Krishnamoorthy ... Petitioner/Complainant

Vs.

Kalaiselvan ... Respondent/Respondent

Prayer: Criminal Original Petition is filed under Sections 482 and 483 of Criminal Procedure Code, to direct the Learned JM-FTC-Alandur (Magisterial Level) to return the conditional deposit a sum of Rs.25,000/- each in C.C.No.219 of 2014 and CC.No.220 of 2014 made on 12.10.2015 to the petitioner.

For Petitioner : Mr.T.Arun kumar

O R D E R

This petition has been filed for a direction to the Court below to permit the petitioner to get the refund of a sum of Rs.50,000/- which was deposited by the respondent during the course of the criminal proceedings. The petitioner was the complainant in a complaint filed against the respondent under Section 138 of the Negotiable Instruments Act. There were two complaints filed in C.C.Nos.219 and 220 of 2014. The matter ultimately reached this Court in Cr.R.C.Nos.1187 and 1188 of 2018. There was a settlement between the parties. As per the settlement, the petitioner was permitted to withdraw a sum of Rs.25,000/- in each complaint, which had been deposited by the respondent during the pendency of the appeal as a condition for suspension of sentence. This Court specifically permitted the petitioner to withdraw the amount lying before the Court below.

2.The grievance of the petitioner is that subsequent to the order passed by this court, a petition was filed before the Court below to withdraw a sum of Rs.50,000/- and for one reason or another, it is kept pending and till today the petitioner is not able to withdraw the amount.

3.Heard the learned Counsel for the petitioner.

4. In view of the specific direction given by this Court in CrI.R.C.Nos.1187 and 1188 of 2018, the Court below shall enable the petitioner to withdraw the sum of Rs.25,000/- each which was deposited in C.C.Nos.219 and 220 of 2014. This process shall be completed within a period of four weeks from today. The Court below shall send a compliance report before this Court after the petitioner withdraws the amount within the time stipulated by this Court.

5. This Criminal Original Petition is disposed of with the above direction.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate Court (Magisterial Level),
Fast Track Court,
Alandur, Chennai.

2. The Section officer
Criminal Section
High Court, Madras 104. (to follow compliance report)

+1 CC to Mr.T.Arun Kumar, advocate sr 68332.

सत्यमेव जयते

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RSI (CO)
SP(13/08/2019)

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