

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3157 of 2017

K.Shanmugam

... Petitioner

Vs

S.Mahadevan

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to issue direction to make the order payment out of Rs.4,00,000/- which was deposited in the S.T.C.No.425 of 2014 on the file of the Judicial Magistrate at Ambattur.

For Petitioner : Mr.R.Karunakaran

For Respondent : No Appearance

O R D E R

This petition has been filed to issue direction to make the order payment out of Rs.4,00,000/- which was deposited in the S.T.C.No.425 of 2014 on the file of the Judicial Magistrate at Ambattur.

2.Heard the learned Counsel for the petitioner.

3.It is seen that this petition has been filed for seeking permission to withdraw the amount deposited in S.T.C.No.425 of 2014 on the file of the Judicial Magistrate, Ambattur. It is seen that the petitioner initiated the proceedings punishable under Section 138 of Negotiable Instruments Act in S.T.C.No.425 of 2014 before the Judicial Magistrate Court, Ambattur. In which the respondent was convicted and sentenced him to undergo six months simple imprisonment and also awarded compensation of Rs.4,00,000/- being the cheque amount. As against the conviction the respondent filed appeal and the appeal was also dismissed, as against which the respondent preferred the criminal revision before this Court and the same was also dismissed and as against which he also preferred Special Leave Petition before the Hon'ble Supreme Court of India in SLP No.194 of 2017, the Hon'ble Supreme Court of India also dismissed the SLP on 07.04.2017.

4.While the respondent filed an appeal as against the conviction in CrI.A.No.35 of 2015 on the file of the District and Sessions Court, Tiruvallur, the first appellate Court suspended the sentence on condition that the respondent shall deposit a sum of Rs.4,00,000/- to the credit of S.T.C.No.425 of 2014 on the file of the Judicial Magistrate, Ambattur. After, dismissing the Special Leave Petition by the Hon'ble Supreme Court of India order the conviction by the trial Court is now confirmed and became final. As such the petitioner filed the petition to withdraw the amount deposited by the respondent to the credit of S.T.C.No.425 of 2014 was returned for the reason that there is no order recording refund of deposit amount.

5.Considering the above facts and circumstances, the petitioner is entitled to withdraw the amount deposited before the trial Court. Accordingly, the trial Court namely the Judicial Magistrate, Ambattur is directed to disburse the amount of Rs.4,00,000/- lying in the account of S.T.C.No.425 of 2014 of the petitioner on the appropriate petition filed by the petitioner within the period of two weeks from the date of receipt of a copy of this order.

6.With the above observations, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rna

To

The Judicial Magistrate,
Ambattur.

copy to: The Section Officer,
VR Section, High Court, Madras.

+1 cc to Mr.R.Karunakaran, Advocate, S.R.No.39658

CrI.O.P.No.3157 of 2017

SSV(CO)
SSM(06/06/2019)