

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.14594 of 2019

IN CRL.RC.NO.507 OF 2016

M/S. SHAKTHI ENGINEERING SERVICE, [PETITIONER / RESPONDENT]
REP. BY ONE OF ITS PARTNER,
G. SENTHILNATHAN

Vs

M/S. ESVEE ENGINEERING [RESPONDENT / PETITIONER]
REP. BY ITS PARTNER,
S. GANESAN

Petition praying that in the circumstances stated therein the High Court will be pleased to permit the petitioner to withdraw the amount of Rs. 5,00,000/- (Rupees Five Lakh Only) deposited in C.C.No.492/2010 on the file of the Judicial Magistrate, Ambathur as per the order dated 24/03/2016 passed by this Hon'ble court in CRL.MP.NO.3462 OF 2016 IN CRL.RC.NO.507 OF 2016

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.RAJAMATHIVANAN Advocate for M/S.P.SESUBALAN RAJA, Advocate for the petitioner, and of M/S.M.GANESH Advocate on behalf of the Respondent, the court made the following order:-

The criminal miscellaneous petition has been filed, by the petitioner/complainant, seeking to permit the petitioner to withdraw the amount of Rs.5,00,000/- deposited in C.C.No.492/2010, by the learned Judicial Magistrate, Ambathur as per the order of this Court, dated 24.03.2016, made in Crl.M.P.No.3462 of 2016 in Crl.R.C.No.507 of 2016.

2 Heard both sides.

3 The learned counsel for the petitioner would submit that the petitioner is the complainant and that the complaint had been filed against the respondent/revision petitioner, in respect of the dishonoured cheque, dated 10.02.2010, for an amount of Rs.27,17,712/- paid towards machineries supplied and that the Trial Court had convicted the revision petitioner on 23.04.2014 and thereafter, the appeal filed by the revision petitioner was dismissed on 07.03.2016, confirming the order passed by the Trial Court. As against the same, the present criminal revision has been filed by the petitioner had filed suspension of sentence

and this Court by order dated 24.03.2016 was pleased to suspend the sentence and had directed the petitioner to deposit an amount of Rs.5,00,000/- on the file of the learned Judicial Magistrate, Ambattur, at the time of executing a bail bond further, the revision petitioner was also directed to deposit a further sum of Rs.5,00,000/- within a period of three months of taking such deposit.

4 The learned counsel for the petitioner/complainant would submit that an amount of Rs.5,00,000/- is lying in the Court without accruing any interest. The petitioner had applied the case during the year 2003 and the cheque for a sum of Rs.27,17,712/- had been issued by the revision petitioner during the year 2010. He would submit that no valid grounds have been made out by the revision petitioner against the judgment of conviction and sentence and that if the petitioner is allowed to withdraw the amount of Rs.5,00,000/- deposited before the Court, it will be useful for the petitioner/complainant for running his company and that the petitioner is prepared to give sufficient security before the Trial Court.

5 The learned counsel for the respondent would submit that the petitioner/complainant may be permitted to withdraw the amount without prejudice to the grounds raised by the petitioner in the revision petition.

6 In view of the same, the criminal miscellaneous petition is allowed. The petitioner/complainant is directed to withdraw the amount of Rs.5,00,000/- [Rupees Five Lakhs Only] deposited to the credit of C.C.No.492/2010, pursuant to the order passed by this Court in Crl.M.P.No.3462/2016, dated 24.03.2016. The petitioner shall execute a bond for a sum of Rs.5,00,000/- [Rupees Five Lakhs Only] and the petitioner/complainant shall also file an affidavit of undertaking that in the event of Crl.R.C.No.507/2016, being allowed by this Court, he will remit the amount of Rs.5,00,000/- [Rupees Five Lakhs Only] before the Trial Court.

-sd/-

22/10/2019

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
AMBATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE 2ND ADDITIONAL DISTRICT
AND SESSIONS JUDGE, POONAMALLEE.

+1C.C. to M/S.P.SESUBALAN RAJA Advocate on payment of
necessary charges SR NO.21874

Order

in

CRL MP.14594/2019

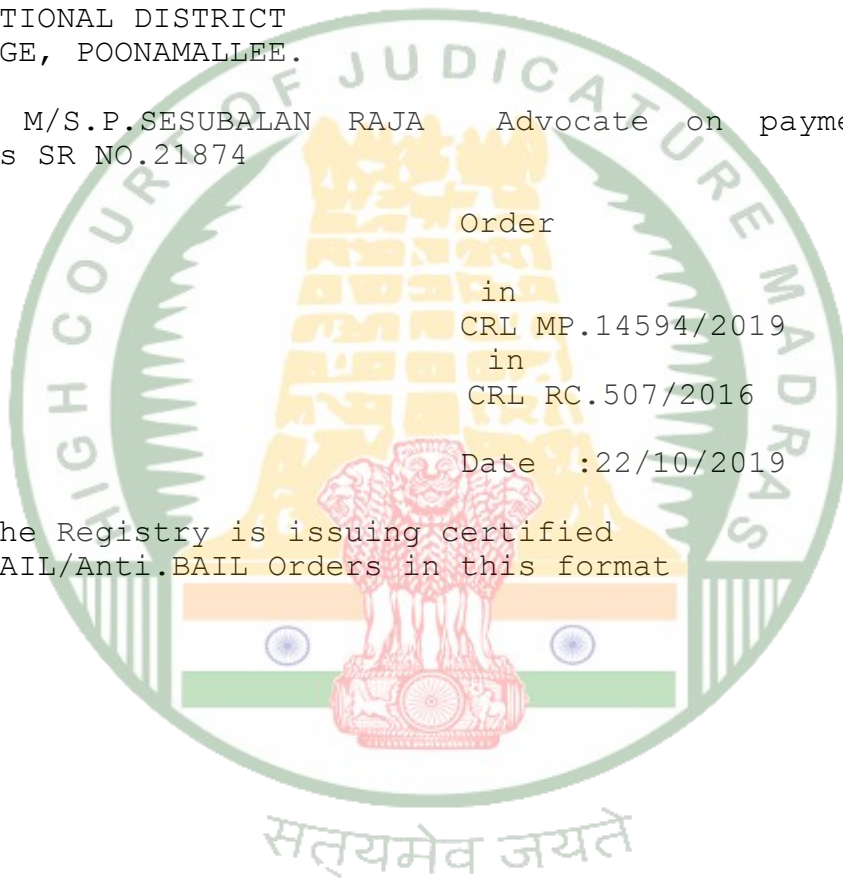
in

CRL RC.507/2016

Date :22/10/2019

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MK:08/11/2019



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