



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.9016 of 2020

P.S.Sethuraman

...Petitioner

Vs.

John Amal Raj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned FTC II Metropolitan Magistrate, Egmore @ Allikulam, Chennai to refund / return the sum of Rs.20,00,000/- deposited on 29.08.2019 to the credit of C.C.No.73 of 2012 pursuant to order dated 15.04.2019 passed in Crl.M.P.No.3757 of 2019 in C.A.No.319 of 2018 on the file of the Hon'ble XV Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.T.K.S.Gandhi

ORDER

This petition has been filed seeking for the refund of the amount deposited by the petitioner pursuant to an order passed under Section 148 (A) of the Negotiable Instruments Act.

2. Learned counsel for the petitioner submitted that the petitioner was convicted and sentenced for an offence under Section 138 of the Negotiable Instruments Act. Aggrieved by the same, the petitioner filed an appeal in Crl.A.No.139 of 2018. The learned counsel brought to the notice of this Court the fact that the appeal was allowed by the judgment dated 12.02.2020 and the conviction and sentence passed by the trial Court was set aside. The learned counsel further submitted that in view of the order passed by the Appellate Court and the petitioner having been acquitted from the offence, is entitled to refund of the amount deposited before the trial Court. The learned counsel submitted that since the order of the Sessions Court is silent about the refund of the amount, the trial Court is not entertaining the petition seeking for refund and therefore, left with no other option, the present petition is filed before this Court seeking for appropriate direction.



3. Taking into consideration the relief sought for in this petition, no notice is required to be served on the respondent and the respondent need not be heard before passing orders in this petition.

WEB COPY

4. As rightly contended by the learned counsel for the petitioner, the consequence of the order passed by the Appellate Court automatically results in the petitioner acquitted from the charge and therefore, he must be refunded the money deposited by him during the pendency of the appeal. In fact, the Appellate Court should have made it clear while passing the final judgment in the appeal while allowing the appeal.

5. In view of the above discussion, the trial Court is directed to entertain the petition filed by the petitioner seeking for refund of the amount deposited by the petitioner in C.C.No.73 of 2012.

6. The Criminal Original Petition is disposed of accordingly.

bri

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The FTC II Metropolitan Magistrate,
Egmore @ Allikulam,
Chennai.

2. The XV Additional Judge,
City Civil Court, Chennai.

Cr1.O.P.No.9016 of 2020

MG(CO)
EU 10/07/2020