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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.11.2021

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.739 OF 2021

&

CRL.M.P.NOS.11378 & 11381 OF 2021

D.Prabhu

... Petitioner

Versus

T.L.Parthasarathy @ Sarathy,
S/o, Loganathan

... Respondent

PRAYER:

Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 08.02.2021 in C.M.P.No.116 of 2019 in STC.No.12 of 2019 passed by the learned Judicial Magistrate, Fast Track Court, Magisterial Level at Thiruvallur.

For Petitioner : Mr.E.Sivanandan

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 08.02.2021 passed in C.M.P.No.116 of 2019 in STC.No.12 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Thiruvallur, directing the petitioner to pay Rs.13,70,000/- which is 10% of the cheque amount as interim compensation.

2. Learned counsel for the petitioner/accused would submit that the admitted liability of the petitioner is only Rs.40,00,000/- (Rupees Forty Lakhs) whereas, the respondent based on the blank cheque given to him, has filled the cheque amount as Rs.1,37,00,000/- and filed the complaint. The trial court based on the amount in the cheque has directed the petitioner to pay 10% of the cheque amount as interim compensation. Though the order has been passed on 08.02.2021,



on account of the pandemic situation, the petitioner was not able to pay the amount within the stipulated time.

3. Heard the learned counsel for the petitioner.

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4. Taking into consideration the pandemic situation and also the fact that the petitioner has admitted his liability of Rs.40 lakhs, this Court does not want to interfere with the order passed by the trial court. However, further time of 30 days is granted to the petitioner to deposit the said amount of Rs.13,70,000/- (Rupees thirteen lakhs seventy thousand only) which is 10% of the cheque amount as interim compensation since the admitted liability itself is Rs.40 lakhs. The petitioner is directed to deposit the abovesaid amount within a period of 30 days from today. On such deposit being made, the respondent/complainant is entitled to withdraw the same after making appropriate application before the concerned court.

5. With the abovesaid observations, the Criminal Revision Case is closed. Consequently, connected miscellaneous petitions are also closed. It is made clear that the observations made in this revision are only with regard to disposing this revision petition and it will not have any bearing in the trial.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mfa

To

The Judicial Magistrate,
Fast Track Court,
Magisterial Level at Thiruvallur.

+1cc to Mr.E.Sivanandan, Advocate, S.R.No.58396

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RLD(CO)
PM/26/11/2021