



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Original Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand and Twenty One
PRESENT

The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP
CRL MP(MD). No.9492 of 2019
in CRL RC(MD).No.738 of 2017

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Ramachandran ...Petitioner/Respondent
Vs
Poopandi ...Respondent/Petitioner

Prayer in CRL MP(MD). No.9492 of 2019 :-

Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure code, praying this Court to Pass an order to Permit the Petitioner to withdraw the amount of Rs. 50,000/- which was deposited by the respondent to the credit of S.T.C No. 1184 of 2013 on the file of the Learned Judicial Magistrate Court Paramakudi pursuant to the order dated 20.09.2017 made in CRL RC(MD)No.738 of 2017.

Prayer in CRL RC(MD).No.738 of 2017 :

Criminal Revision case filed under section 397 and 401 of the code of Criminal Procedure, to call for the records and set aside the order 03.01.2017 in C.A.No.05 of 2016 on the file of the Additional District Court, Fast Track Court, Paramakudi, confirming the judgment and sentence dated 10.03.2016 made in S.T.C.No.1184 of 2013 on the file of the Judicial Magistrate, Paramakudi.

ORDER:-

Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.S.Jeyakarthik, Advocate for the Petitioner, this Court made the following order:

The learned Counsel for the petitioner submitted that the petitioner is the original complainant before the Judicial Magistrate Court, Paramakudi, in S.T.C.No.1184 of 2013.

2.It is the case of the petitioner that the respondent is an acquaintance. He had borrowed a sum of Rs.2,00,000/- from him. After some months, he had returned the amount through cheque. When the cheque was presented by the petitioner in his Bank, the same was returned with an endorsement, "insufficient amount". Therefore, the petitioner was constrained to issue notice as per the Negotiable Instruments Act, 1881. After grant of sufficient time, the petitioner had filed the private complaint in S.T.C.No.1184 of 2013 on the file of the Judicial Magistrate Court, Paramakudi. After serving summons on the respondent, the respondent has appeared



before the learned Judicial Magistrate, Paramakudi and opposed the complaint. After recording the evidence, the learned Judicial Magistrate, Paramakudi, convicted the accused/respondent by imposing sentence along with fine. Subsequent to the order of conviction, the respondent preferred an appeal before the Additional District Court (Fast Track Court), Paramakudi in C.A.No.5 of 2016. The appeal was not prosecuted. Therefore, the learned Additional District Judge, Paramakudi, has dismissed the appeal. Subsequent to the dismissal of the appeal, the respondent preferred the above revision case to set aside the order of dismissal.

3.This Court, after hearing the submissions of the learned Counsel for the revision petitioner, by order, dated 20.09.2017, allowed the criminal revision case and directed the appellate Court to restore the appeal in C.A.No.5 of 2016 after the deposit of Rs.50,000/- by the respondent herein in S.T.C.No.1184 of 2013 on the file of the Judicial Magistrate Court, Paramakudi, within a period of six weeks from the date of receipt of a copy of the order in Crl.R.C.No.738 of 2017. Subsequently, after the deposit of Rs.50,000/-, the respondent prosecuted the appeal before the learned Additional District Judge (Fast Track Court), Paramakudi.

4.After hearing the arguments, the learned Additional District Judge(Fast Track Court), Paramakudi, had dismissed the appeal and thereby, confirmed the order of the learned Judicial Magistrate, Paramakudi. As against the order of appellate Court, the respondent has not preferred any appeal till date. It appears that a Non Bailable Warrant had been issued against the respondent and the same had not been executed till date.

5.In such circumstances, the petitioner, who is a senior citizen aged about 80 years, is before this Court seeking permission to withdraw the sum of Rs.50,000/- deposited by the respondent/accused in the Court of the Judicial Magistrate Paramakudi in S.T.C.No.1184 of 2013.

6.Considering the facts and circumstances of the case, this petition is allowed and the learned Judicial Magistrate, Paramakudi, is directed to permit the petitioner, who is the original complainant before the Court of Judicial Magistrate, Paramkudi, to withdraw the sum of Rs.50,000/- within a period of fifteen days from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-II)

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/ /2021

Sub Assistant Registrar(CS)



To

- 1.The Judicial Magistrate, Paramakudi.
- 2.The Chief Judicial Magistrate, Ramanathapuram.
- 3.The Additional District Judge (Fast Track Court), Paramakudi.

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+1 CC to Mr.M.S.JEYAKARTHIK, Advocate SR.No. 15999

Cr1.M.P. (MD)No.9492 of 2019
and
CRL.R.C. (MD)No.738 of 2017

ns (CO)

TR(27.04.2021) 3P 5C