



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

Thursday, the Thirty First day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

Crl.M.P(MD)No.4470 of 2021
in
Crl.RC(MD)No.367 of 2021

M/S.MEENAKSHI CHEMICALS PVT LIMITED,
PROPRIETOR, K.JEEVA

... PETITIONER / RESPONDENT

Vs

K.RAMASUBRAMANIAN

... RESPONDENT / REVISION PETITIONER

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Permit the Petitioner to withdraw the amount deposited by the Respondent in connection with the case in S.T. C No. 24/2016 on the file of the Learned Judicial Magistrate NO.II, F.T.C Magistrate Level, Madurai.

Prayer in Crl.RC(MD)No.367 of 2021:

To call for the records relating to judgment dated 05.01.2021 passed in CA.No.59 of 2019 on the file of the Learned VI Additional Sessions Judge, Madurai confirming the judgment dated 22.03.2019 passed in STC.No.24 of 2016 on the file of Learned Judicial Magistrate No.II, FTC Magistrate Level, Madurai and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.NIRANJAN S.KUMAR, Advocate for the petitioner and of MR.S.PONSENTHIL KUMAR, Advocate for the respondent, the court made the following order:-

This petition has been filed to permit the petitioner to withdraw the amount deposited by the respondent in connection with the case in S.T.C.No.24 of 2016 on the file of the learned Judicial Magistrate No.II, Fast Track Court Magistrate Level, Madurai.

2.The petitioner is the complainant and the respondent is the accused. The petitioner lodged a complaint against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, alleging that during the year 2011, the respondent



factory M/s.Kirthick Chemicals for a consideration of Rs.1,75,00,000/-. The petitioner agreed to purchase the same and entered into an agreement on 26.03.2012. But the respondent failed to act in accordance with the agreement and thereafter came to an agreement, after several Mediations, on 07.01.2013. Accordingly, the respondent agreed to repay the sum of Rs.85,00,000/- on or before 31.03.2013. However, the respondent paid a sum of Rs.3,50,000/- and issued cheque for the balance amount. It was presented for collection and the same was returned dishonoured for the reasons 'funds insufficient'. After causing statutory notice, the petitioner lodged the complaint and the same had been taken cognizance in S.T.C.No.24 of 2016 on the file of the learned Judicial Magistrate No.II, Fast Tract Court Magisterial Level, Madurai.

3.After trial, the respondent was convicted and sentenced him to undergo six months simple imprisonment and to pay a compensation of Rs.81,50,000/- to the petitioner. Aggrieved by the same, the respondent preferred an appeal in C.A.No.59 of 2019 on the file of the learned Additional Sessions Court No.VI, Madurai and the same was also dismissed by an order dated 05.01.2021 and confirmed the Judgment of the trial Court. Aggrieved by the same, the respondent filed the present revision before this Court and this Court while suspending the sentence imposed condition that the respondent shall deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) to the credit of the learned Judicial Magistrate No.II, Fast Track Court Magisterial Level, Madurai. Now, the respondent deposited the amount as directed by this Court.

4.The petitioner, now being the complainant, has filed this petition seeking permission to withdraw the deposited amount. This Court is inclined to permit the petitioner to withdraw the same, since the Courts below confirmed the conviction and sentence of the respondent and also awarded compensation to the tune of Rs.81,50,000/-. The transaction is of the year 2012. Therefore, this Court is inclined to permit the petitioner to withdraw the amount.

5.In view of the above, the petitioner is permitted to withdraw the amount. The Court below is directed to disburse the deposited amount to the petitioner/complainant, after verifying his identification. Accordingly, this petition is ordered.

sd/-

31/03/2022

/ TRUE COPY /

05/04/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE VI ADDITIONAL SESSIONS JUDGE,
MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II
FTC, MAGISTRATE LEVEL, MADURAI.
- 3 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

ORDER

IN

Crl.M.P(MD)No.4470 of 2021
in Crl.RC(MD)No.367 of 2021
Date :31/03/2022

ps

MK/PN/SAR.I/05.04.2022/3P/4C