



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.760 of 2021

and

Crl.M.P(MD)No.8935 of 2021

WEB COPY

A.Suresh Kumar

... Petitioner/Petitioner/Accused

Vs.

A.Suresh

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records relating to the order made in Crl.M.P.No.8607 of 2019 in S.T.C.No.862 of 2020, dated 07.09.2021 by the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli and set aside the same and allow this revision petition.

For Petitioner

: Mr.V.Angusamy

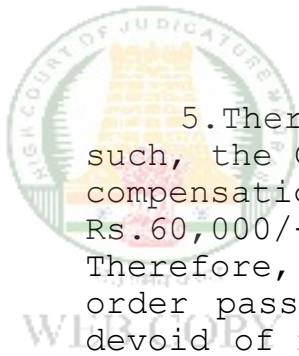
ORDER

This revision has been filed as against the order passed in Crl.M.P.No.8607 of 2019 in S.T.C.No.862 of 2020, dated 07.09.2021 on the file of the Special Court for Exclusive Trial of Negotiable Instrument Act, Tirunelveli, thereby directed the petitioner to deposit 20% of the cheque amount as contemplated under Section 143 (A) (4) of the Negotiable Instruments Act.

2.The petitioner is an accused and the respondent filed a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act as against the petitioner and the same has been taken cognizance in S.T.C.No.862 of 2020.

3.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4.On a perusal of the complaint revealed that the petitioner approached the respondent for hand loan and borrowed a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) for his business needs. On 25.07.2018, the petitioner received the sum of Rs.3,00,000/- as hand loan from the respondent and in order to repay the same, he issued cheque and the said cheque was presented for collection and the same was returned dishonoured for the reason that the 'funds insufficient'. After causing statutory notice as contemplated under Section 138 of the Negotiable Instruments Act, the respondent lodged the complaint.



5. There is a *prima facie* case made out by the respondent and as such, the Court below rightly directed the petitioner to pay interim compensation at 20% of the cheque amount, namely, Rs.60,000/- within a period of 60 days from the date of the order. Therefore, this Court finds no illegality or irregularity in the order passed by the Court below and the Criminal Revision Case is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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

The Special Court for Exclusive Trial
of Negotiable Instrument Act,
Tirunelveli.

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

Order made in
Crl.R.C(MD)No.760 of 2021
10.03.2022

SB(CO)
GC(24.03.2022) 2P 4C