



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.812 of 2021

and

Crl.M.P (MD)No.9543 of 2021

WEB COPY

R.Nagendran

... Petitioner/Respondent/Accused
Vs.

S.Somasundaram

... Respondent/Petitioner/Complainant

Prayer: This Criminal Revision Case filed under Section 397, r/w.401 of Cr.P.C. to call for the records set aside the order dated 08.09.2021 passed in Crl.M.P No.705 of 2021 in STC No.534 of 2019 on the file of the learned Judicial Magistrate No.1, FTC AT Magistrate Level, Madurai.

For Petitioner : Mr.S.Vanitha

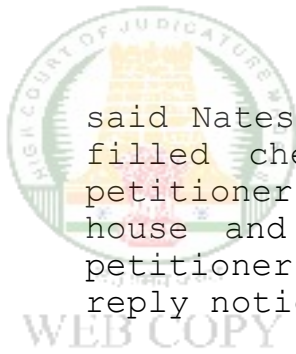
ORDER

This Criminal Revision Case has been filed to set aside the order dated 08.09.2021 passed in Crl.M.P No.705 of 2021 in STC No.534 of 2019, by the learned Judicial Magistrate No.1, Fast Track Court @ Magistrate Level, Madurai, thereby, directed the petitioner to deposit a sum of 20% of the cheque amount, within 60 days.

2.The petitioner is an accused and the respondent is the complainant. The respondent lodged a complaint under Section 138 of Negotiable Instruments Act, as against the petitioner, alleging that the petitioner borrowed a sum of Rs.5 lakhs. In order to repay the same, he issued a cheque and the cheque was presented for collection and returned due to 'insufficient of funds'. After causing statutory notice, he lodged the complaint.

3.While pending the enquiry, the respondent filed a petition seeking 20% of the cheque amount, as interim compensation and it was allowed and the Court below directed the petitioner to pay 20% of cheque amount ie., Rs.1,00,000/- to the complainant. Accordingly, the petitioner also paid a sum of Rs.1,00,000/- to the respondent.

4.The learned counsel appearing for the petitioner would submit that the respondent is none other than his wife's maternal uncle. After receipt of the statutory notice, the petitioner gave a reply notice stating that in view of business transaction, he borrowed a sum of Rs.5,00,000/- from one Natesan and for the purpose of repaying the said amount, the petitioner wrote a cheque for Rs.5,00,000/-, without entering the name, as he want to get the exact spelling of addressee from said Natesan. Later on request of



said Natesan, the petitioner paid the said amount in cash, kept the filled cheque in his house. With an intention to defraud the petitioner, the respondent got the cheque from the petitioner's house and it was presented for collection. However, though the petitioner stated in his reply notice that only for defence purpose, reply notice was given.

5. In view of the above, this Court finds no infirmity or illegality in the Order passed by the Court below and this Criminal Revision Case is dismissed. However, the trial Court is directed to complete the trial proceedings within six months, from the date of receipt of a copy of this order. Consequently, miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Judicial Magistrate No.1,
Fast Track Court @ Magistrate Level,
Madurai.

Cr1.R.C(MD)No.812 of 2021

and

Cr1.M.P (MD)No.9543 of 2021

03.03.2022

MGJ(17.03.2022) 2P 2C