



CRL.MP.No.11503 of 2023
in CRL RC.No. 894 of 2018

WEB COPY This Criminal Miscellaneous Petition has been filed to clarify that the petitioner has to settle the entire amount of Rs.4,00,000/- or Rs.2,00,000/- in Crl.R.C.894/2018 dated 17.10.2022.

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

3. This Court, by an order dated 17.10.2022, dismissed the revision petition filed by the petitioner as against the order of conviction, confirmed by the First Appellate Court in Criminal Appeal No. 46 of 2017 on the file of the Principal Session Judge, Krishnagiri, imposed by the Trial Court in C.C. No. 58 of 2014 on the file of the Judicial Magistrate, Denkanikottai, by an order dated 05.10.2017, thereby convicted the petitioner for an offence under Section 138 of Negotiable Instruments Act. While dismissing the revision, this Court observed that, if the petitioner settles the entire amount in favour of the respondent, he is at liberty to file appropriate application to quash the conviction imposed by the Courts below.



4. The petitioner had already deposited a sum of Rs. 2 lakhs to the credit of C.C.No. 58 of 2014 on the file of the Judicial Magistrate, Denkanikottai, while suspending his sentence. Now, the petitioner approached the Trial Court to deposit the rest of the cheque amount of Rs. 2 lakhs. It was returned by the Trial Court for the reason that there was no such direction.

5. Now, it is clarified that the petitioner is directed to deposit the remaining sum of Rs. 2 lakhs to the credit of C.C. No.58 of 2014 on the file of the Judicial Magistrate, Denkanikottai, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the Trial Court is directed to accept the same and set aside the conviction and sentences imposed by the Trial Court. The respondent is permitted to withdraw the entire cheque amount by filing proper application. It is made clear that the Trial Court is directed to permit the respondent to withdraw the entire amount, without ordering any notice to the petitioner. Accordingly this petition is clarified.

23.08.2023

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Crl.M.P.No. 11503 of 2023

G.K.ILANTHIRAIYAN, J.

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CRL.MP.No.11503 of 2013
in CRL RC.No. 894 of 2018

23.08.2023