



Crl.R.C.No.1268 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM:

The Honourable MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.R.C.No.1268 of 2019

V.N.Meiygnanamoorthis

...Revision Petitioner/Accused

-Vs-

Senthilvel

...Respondent/Complainant

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C, to call for records of the case in C.A.No.27 of 2015 on the file of the learned Principal Sessions Judge, Namakkal, dated 17.03.2016 confirming the judgment passed in C.C.No.205 of 2012 on the file of the learned Judicial Magistrate, Rasipuram, dated 19.06.2015 and set aside the conviction of the Petitioner and direct that the Petitioner be set at liberty.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondent : Mr.J.Prithivi
for Mr.S.Kaithamalai Kumaran



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ORDER

WEB COPY This Criminal Revision Case is filed to set aside the judgment passed in C.A.No.27 of 2015 on the file of the learned Principal Sessions Judge, Namakkal, dated 17.03.2016, confirming the judgment passed in C.C.No.205 of 2012 on the file of the learned Judicial Magistrate, Rasipuram, dated 19.06.2015.

2. This Court, by order dated 25.08.2023, had passed the following order:-

“When the case came up for hearing on earlier occasion, the learned Counsel for the Revision Petitioner sought time to settle the dispute amicably. The learned Counsel for the Revision Petitioner sought to refer the matter to the Mediation Centre. The request of the learned Counsel for the Revision Petitioner was rejected by this Court, granting time to settle the amount, if the intention of the Revision Petitioner is bona fide. Accordingly, the case was adjourned from 05.07.2023 to 12.07.2023, and again from 12.07.2023 to 17.07.2023. Subsequently, adjourned to 28.07.2023. On 28.07.2023, the case did not reach for the hearing in the list. Therefore, it was automatically adjourned to 24.08.2023.

2. On 24.08.2023, the learned Counsel for the Revision Petitioner was ready with Demand Draft for Rs.15 lakhs, stating that at the time of filing this Criminal Revision Case on suspension of sentence and granting bail, this Court had insisted for deposit of part of the amount before the Trial Court.



Therefore, Rs.3 lakhs was deposited before the learned Judicial Magistrate, Rasipuram. Therefore, balance of Rs.15 lakhs is taken as Demand Draft and is ready to be handed over to the learned Counsel for the Respondent/Complainant. Learned Counsel for the Respondent submitted that she has to take instructions from the Respondent/Complainant. On such request, the case was adjourned to 25.08.2023.

3. Today, 25.08.2023, when the case came up for hearing, the learned Counsel for the Respondent/Complainant submitted that the Respondent/Complainant is not willing to accept the amount.

4. On perusal of the judgment of the learned Judicial Magistrate, Rasipuram, in C.C.No.205 of 2012, dated 19.06.2015, it is found that the learned Judicial Magistrate, Rasipuram, had sentenced the Accused to one year of simple imprisonment and imposed fine of Rs.5,000/-. When the Accused had preferred the Appeal in Crl.A.No.27 of 2015 before the learned Principal Sessions Judge, Namakkal. The Criminal Appeal was dismissed as per the judgment dated 17.03.2016, confirming the judgment of conviction, sentence of imprisonment, and fine imposed by the learned Judicial Magistrate, Rasipuram, in C.C.No.205 of 2012, dated 19.06.2015.

5. When the Revision Petitioner is ready to pay the amount with the Demand Draft of Rs.15 lakhs, the learned Counsel for the Respondent/Complainant insisted that the terms are not likely for settlement. The Respondent is not ready for settlement.

6. In the light of these developments, this Court directs the Revision Petitioner/Accused to cancel the Demand Draft taken in the name of the Respondent/Complainant and take a fresh Demand



Draft in the name of the designation of the learned Judicial Magistrate, Rasipuram, and deposit the amount of Rs.15 lakhs before the learned Judicial Magistrate, Rasipuram, in C.C.No.205 of 2012 dated 19.06.2015.

7. The learned Judicial Magistrate, Rasipuram, is directed to report compliance to this Court regarding the amount paid/deposited by the Accused on the file of the learned Judicial Magistrate, Rasipuram, in C.C.No.205 of 2012 dated 19.06.2015, by way of e-mail on or before 11.09.2023.

8. Post the matter on 12.09.2023.”

3. Today 12.09.2023 in continuation of the order passed by this Court on 25.08.2023, this Court had directed the Revision Petitioner who was the Accused before the Trial Court to deposit the amount that he had taken as Demand Draft for Rs.15 lakhs. The Revision Petitioner as Accused was directed to deposit the amount before the learned Judicial Magistrate, Rasipuram.

4. Accordingly, the Revision Petitioner/Accused had cancelled the Demand Draft that he had already obtained in favour of the Respondent and had filed a fresh Demand Draft and deposited the amount before the learned Judicial Magistrate, Rasipuram, for Rs.15 lakhs.



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WEB COPY 5. The remarks offered by the learned Judicial Magistrate, Rasipuram, in letter in D.No.1792 of 2023, dated 08.09.2023, had stated that the Accused had deposited Rs.15 lakhs by way of Demand Draft (D.D.No.842157 dated 07.09.2023) on the file of the learned Judicial Magistrate, Rasipuram, dated 08.08.2023.

6. In the light of the above above developments, the **Criminal Revision Case stands disposed of as settled**. The Respondent may approach the Court of the learned Judicial Magistrate, Rasipuram, and file appropriate Petition. The sentence of imprisonment is set aside.

12.09.2023

cda

Index : Yes/No

Speaking/Non-speaking order

To

1.The Principal Sessions Judge, Namakkal.

2.The Judicial Magistrate, Rasipuram.

3.The Section Officer, VR Records,
High Court, Chennai.



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This case is listed today under the caption “for being mentioned” at the instance of the learned Counsel for the Respondent.

2. The learned Counsel for the Respondent/Complainant submits that while disposing Crl.R.C.No.1268 of 2019 as per order dated 12.09.2023, this Court in the concluding portion of the order in Paragraph No.6 had observed as follows:

“6. In the light of the above developments, the Criminal Revision Case stands disposed of as settled. The Respondent may approach the Court of the learned Judicial Magistrate, Rasipuram and file appropriate Petition. The sentence of imprisonment is set aside.”

3. Based on which, the Complainant before the learned Judicial Magistrate, Rasipuram had filed petition for withdrawal of the amount of Rs.18,00,000/-. The learned Judicial Magistrate, Rasipuram had returned the petition stating that there is no order in the Criminal Revision Case directing the learned Judicial Magistrate to permit the Complainant to



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withdraw the money.

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4. The conduct of the learned Judicial Magistrate, Rasipuram is found unacceptable, condemnable. The learned Judicial Magistrate has the power to return the money to the Complainant. The Complaint was filed under Section 138 of the Negotiable Instruments Act. The unsuccessful Accused is the Revision Petitioner before this Court. After hearing both parties, this Court had passed orders dismissing the Criminal Revision case. While so, in the concluding portion, it is stated that the case is disposed as settled. The Respondent may approach the Court of the learned Judicial Magistrate, Rasipuram and file appropriate petition. That itself indicates the learned Judicial Magistrate to act accordingly. Instead, returning the petition filed by the Complainant is found unacceptable, illegal and perverse. The learned Judicial Magistrate, Rasipuram is directed to issue order permitting the Complainant to withdraw the entire amount pending on the file of the learned Judicial Magistrate, Rasipuram in C.C.No.205 of 2012. The learned Judicial Magistrate, Rasipuram to send a report complying the same.

25.04.2025

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