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Crl.M.P.No.18184 of 2023 &
Crl.R.C.No.756 of 2023

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M. NIRMAL KUMAR, J.

The contention of the petitioner/complainant who is the respondent in the main revision is that respondents / accused was convicted by the trial court under section 138 of the Negotiable Instrument Act and apart from sentence, they were directed to pay the cheque amount i.e., Rs.1,35,00,000/- . Aggrieved by the same, the respondents/accused filed Crl.A.No.202 of 2022 before the Sessions Court. At that time, they had deposited 20% of the cheque amount i.e., Rs.27,00,000/- and the same has also been withdrawn by the petitioner/complainant herein. Thereafter, the said appeal was dismissed, against which, the respondents/accused herein have preferred this revision. At the time of admission of this revision, the revision petitioners who are the respondents/accused in the present petition is directed to deposit further 20% i.e., Rs.27,00,000/- to the credit of C.C.No.2443 of 2016 within a period of six months and thereafter, the time was extended. Thereafter, this Court by order dated 25.09.2023 had directed the case to be posted before the National Lok Adalat scheduled to be held on 14.10.2023, since both the parties were showing their willingness to settle the dispute between



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themselves. On 14.10.2023, the Lok Adalat directed the case to be posted before the next Lok Adalat, at request of both the counsel as well as the revision petitioner.

2. While that being so, as per the direction given at the time of admission of this revision, the respondents/accused has drawn a demand draft (D.D.No.033455 dated 06.06.2023) in Axis Bank for 20% of the cheque amount i.e., Rs.27,00,000/- in favour of IVth Metropolitan Magistrate Court, Saidapet, Chennai and the same was deposited to the credit of C.C.No.2443 of 2016 on 08.06.2023 before the Fast Track Court-III, Metropolitan Magistrate Court, Saidapet, Chennai. In view of the same, the petitioner/complainant who is the respondent in the main revision filed the present miscellaneous petition seeking permission to withdraw the said amount.

3. Learned counsel for the respondents/accused who is the revision petitioners has got no objection for petitioner herein to withdraw the amount they deposited, but subject to the outcome of the case. He would also submit



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that so far the respondents/accused had paid 40% of the cheque amount.

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4. In view of the same, the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai is directed to permit the petitioner/complainant to withdraw 20% of the cheque amount i.e., Rs.27,00,000/- and notice to the revision petitioners/accused can be dispensed with, in view of their no objection.

5. Post the main revision on 13.12.2023.

20.11.2023

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20.11.2023