



CRL RC(MD). No.197 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL RC(MD). No.197 of 2020

R.Jyothimurugan

... Petitioner/ Appellant/ Accused

Vs

P.Vivekananthan

... Respondents/ Respondent/ Complainant

Prayer :-

This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pursuant to the impugned judgment passed by the Judicial Magistrate (Fast Track Court), Karur on 17.05.2019 which was subsequently confirmed by the Additonal Sessions Judge,/FTMC/Karur on 12.12.2019 and set aside the same.

ORDER:- This Criminal Revision Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. G.R.Sathish, Advocate for the Petitioner and of Mr. V.Muthukamatchi, Advocate for the respondent, this Court made the following order:

This matter is listed today under the caption "For Being Mentioned" at the

instance of the learned Counsel for the petitioner.

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2. This Court in Crl.R.C(MD)No.197 of 2020, recording the compromise entered into between the parties, invoking Section 147 of Negotiable Instruments Act permitted to compound the offence under Section 138 of Negotiable Instruments Act and thereby setting aside the judgment of the trial Court as well as the Appellate Court and acquitting the accused from the charges levelled against him and further permitted the respondent to withdraw the amount deposited by the petitioner.

3. When the matter is taken up for hearing today, the learned counsel for the respondent would submit that in pursuance of the directions of this Court, they have filed a memo before the Judicial Magistrate Court, Karur, seeking refund of the amount deposited by the revision petitioner, but the learned Magistrate has returned the same raising a query that the order does not specify the refund amount and the forum before which refund is to be sought, was not clear.

4. As rightly contended by the learned counsel for the petitioner as well as the respondent that a sum of Rs.1,00,000/- was deposited by the revision petitioner before the same Court, which now returned the present memo. Since the amount was deposited before the concerned Court and the same is available before that Court, the question of specifying the name of the Court and the amount does not arise at all. Hence, the impugned return is totally unwarranted. Since the learned Magistrate



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has returned the memo raising the above query, the following paragraph is substituted in the order, dated 27.04.2023 in Crl.R.C(MD)No.197 of 2020, as paragraph No.4.

"4.In view of the above, the offence under Section 138 of Negotiable Instruments Act stands compounded under Section 147 of the Negotiable Instruments Act. Consequently, the Criminal Revision Case is allowed and the judgments of the trial Court and the Appellate Court are set aside and the accused is acquitted from the charges levelled against him. The respondent is permitted to withdraw the amount of Rs.1,00,000/- deposited by the petitioner before the Judicial Magistrate (Fast Tract) Court, Karur. Consequently, Crl.M.P.(MD)No.6537 of 2023, is ordered."

5. Registry is directed to make necessary corrections and issue fresh order copy to the parties concerned and call for an explanation from the concerned Court.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/01/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)



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Copy to:

1. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.
2. The Section Officer,
' B ' Section,
Madurai Bench of Madras High Court,
Madurai.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 18/01/2024

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ORDER

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Giving direction and etc.
as stated within.

MK/23.01.2024 4P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023