



Crl.O.P.(MD)No.6829 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 13.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.6829 of 2023

Balamurugan

... Petitioner

Vs.

Sivasubraminiyan

... Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Judicial Magistrate No.I, Sivagangai to disburse the amount based on the order of the Judicial Magistrate No.I in Cr.MP.No.2603 of 2022 dated 06.08.2022 in accordance with law.

For Petitioner : Mr.N.Jeyaram Sidharth

ORDER

This criminal original petition has been filed to direct the Judicial Magistrate No.I to disburse the amount based on the order of the Judicial Magistrate No.I in Cr.MP.No.2603 of 2022 dated 06.08.2022 in accordance with law.



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2.The learned counsel appearing for the petitioner would submit that the the respondent received Rs.5,00,000/- and issued cheque and the same was dishonored for the reason that “funds insufficient”. After causing statutory notice, the petitioner lodged the complaint for the offence under Section 138 of the Negotiable Instruments Act. The complaint was taken cognizance by the learned Judicial Magistrate No.1, Sivagangai in C.C.No.39 of 2018. On perusal of oral and documentary evidence, the trial Court sentenced the respondent to undergo six months simple imprisonment and pay compensation of Rs.5,00,000/-.

3.The learned counsel appearing for the petitioner would further submit that the respondent preferred an appeal along with a petition for suspension of sentence before the appellate Court and the same was allowed on condition that the respondent should deposit 20 % of the compensation before the trial Court. Thereafter, the appeal was dismissed by confirming the conviction and sentence imposed by the trial Court. Thereafter, the petitioner preferred a petition to withdraw the above said compensation and the same was allowed. However, the compensation amount was not disbursed to the petitioner. Hence, the petitioner filed the present petition.



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4.It appears that the respondent was sentenced to undergo six months simple imprisonment and pay compensation of Rs.5,00,000/- by the trial Court and the same was confirmed by the appellate Court. However, the respondent did not file any revision as against the judgment. Hence, the petitioner filed a petition to disburse the compensation amount and the same was allowed. When the petitioner approached the Court Authorities to disburse the amount, they informed that no amount was available in the case.

5.In view of the above, the trial Court is directed to enquire this matter and disburse the amount to the petitioner, within a period of two months from the date of receipt of a copy of this order. Accordingly, this criminal original petition is disposed of.

13.04.2023

Index :yes/No
Internet:yes/No
gns

To

The Judicial Magistrate No.I, Sivagangai



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gns

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