



Crl.R.C.No.846 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.846 of 2024

M.Gajendran

... Petitioner

Vs.

1.M/s.Everest Blue Metal,
S.F.No.2523,
Veppilai Mettur (Vill),
V.Kongarapatti (PO),
Kadaiyampatti(th),
Salem District-636351.

2.R.Munirathinam

3.Raja

... Respondents

PRAYER : Criminal Revision filed under Section 397 r/w. 401 of the code of Criminal Procedure, to call for the records relating to the order passed in Crl.M.P.No.14372 of 2023 from the file of the Fast Track Court No.II, Metropolitan Magistrate, Allikulam, Chennai, dated 27.09.2023 and set aside the same.

For Petitioner : Mr.G.Hari Hara Arun Somasankar

For Respondents : Mr.S.Mayilnathan



Crl.R.C.No.846 of 2024

WEB COPY

ORDER

This Criminal Revision Case is filed against the order dated 27.09.2023 passed in Crl.M.P.No.14372 of 2023 by the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai.

2. The learned counsel appearing for the petitioner submits that the petitioner is a complainant and filed a complaint against the respondents under Sections 138 and 141 of Negotiable Instruments Act before the Fast Track Court No.II, Metropolitan Magistrate, Egmore (Allikulam), Chennai on the ground that the respondents received a sum of Rs.7,75,00,000/- as loan from the petitioner, for which, they have issued a cheque in favour of the petitioner and when it was presented, the same was returned with endorsement "funds were insufficient" and it was taken on file in C.C.No.9167 of 2019, in which, the petitioner has filed a petition under Section 143A of Negotiable Instrument Act seeking interim compensation, however, the same was dismissed. Challenging the same, the present petition has been filed.



Crl.R.C.No.846 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner submits that the respondents have admitted their liability in the reply notice and counter affidavit. As per Section 143A of Negotiable Instrument Act, the Court has power to direct the drawer of a dishonoured cheque to pay interim compensation to the complainant. However, the trial Court has refused to order interim compensation to the petitioner which is not sustainable one

4. The learned counsel appearing for the respondents submits that if the respondents deposit any amount, it will go against the interest of the respondents during the trial and after conclusion of trial, if the case is ended against the respondents, the respondents are ready to pay the entire amount.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.



Crl.R.C.No.846 of 2024

WEB COPY

6. It is seen from the records that the petitioner has filed a complaint against the respondents under Sections 138 and 141 of Negotiable Instruments Act, before the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai, which was taken on file in C.C.No.9167 of 2019, in which, a petition was filed under Section 143A of Negotiable Instruments Act in Crl.M.P.No.14372 of 2023 seeking interim compensation and it was dismissed on the ground that the case is at the final stage and the respondents are not dragging the proceedings and they are co-operating with the trial and therefore, there is no necessity for ordering interim compensation to the petitioner. Though the learned counsel appearing for the petitioner has relied on Section 143A of Negotiable Instrument Act, by which, a power is available to the Court to direct the drawer of a dishonored cheque to pay interim compensation to the complainant, after considering the fact that the case is at the stretch of final stage and the respondents are co-operating with the trial, the trial Court has rightly dismissed the petition filed by the petitioner seeking interim compensation, which does not require any interference by this Court. Hence,



Crl.R.C.No.846 of 2024

WEB COPY

this Court is not inclined to interfere with the order dated 27.09.2023 passed in Crl.M.P.No.14372 of 2023 by the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai.

7. Accordingly, the Criminal Revision Case is dismissed.

05.06.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

ssb

To
The Fast Track Court No.II,
Metropolitan Magistrate, Allikulam, Chennai,



WEB COPY



Crl.R.C.No.846 of 2024

M.DHANDAPANI, J.

ssb

Crl.R.C.No.846 of 2024

05.06.2024