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CrI.O.P.No.9329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9329 of 2024

K.Varalakshmi.

... Petitioner/Complainant

/versus/

R.S.Karunagaran.

... Respondent/Respondent

Prayer: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the Learned Metropolitan Magistrate Court, FTC-II, Allikulam, Chennai to return the compensation of cheque amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) paid by the respondent to the petitioner with accrued interest.

For Petitioner : Mr.R.Dinesh Kumar

For Respondent : unserved left

ORDER

The petitioner herein is the complainant in C.C.No.2991 of 2015 on the file of Metropolitan Magistrate, Fast Track Court – II, Allikulam, Chennai.

2. The petitioner had initiated a criminal complaint under Section



Crl.O.P.No.9329 of 2024

138 of N.I. Act against one Thiru.R.S.Karunagaran (accused) for issuing a cheque in his favour for a sum of Rs.3,00,000/- dated 31.07.2015. On presentation of the said cheque, had got bounced leading to initiating the criminal complaint. The trial Court convicted the respondent *vide* judgment dated 20.02.2018 holding the respondent guilty of offence under Section 138 of N.I Act and sentenced him to undergo one year S.I and to pay a sum of Rs.5,20,000/- as compensation. As against this judgment, the respondent has preferred Crl.A.No.116 of 2018 before the XVIII Additional Sessions Judge, Chennai. The appeal came to be dismissed on 21.02.2019 confirming the judgment of the trial Court.

3. The respondent herein has filed revision before the High Court.

In the said revision, this Court has directed the respondent to deposit a sum of Rs.1,50,000/- in C.C account as a pre-condition to suspend the sentence. Accordingly, the respondent R.S.Karunagaran (accused) deposited a sum of Rs.1,50,000/- in the C.C account No.2991/2005 on 14.01.2020. The revision petition later heard by this Court and dismissed on 08.08.2023.

4. In such circumstances, the petitioner has taken out an application



CrI.O.P.No.9329 of 2024

before the Fast Track Court-II, Allikulam, Chennai, for permitting him to withdraw the sum of Rs.1,50,000/- with interest accrued. Since, the petitioner is entitled to withdraw it in view of the judgment passed by the trial Court awarding compensation of Rs.5,20,000/-. The Learned Magistrate has returned the memo stating that, on perusal of the record, there is no order passed by the High Court to return the money to the complainant, deposited by the accused.

5. In such circumstances, the petitioner has filed a present petition, seeking necessary direction to pay the money accrued in the C.C Account No.2991/2015 to the complainant/petitioner.

6. Private notice to the respondent returned unserved with an endorsement left. The record indicates that the respondent has not yet secured to undergo the remaining period of sentence. The Metropolitan Magistrate, Fast Track Court-II, Allikulam, Chennai had reported that a sum of Rs.1,50,000/- deposited by the accused R.S.Karunakaran dated 14.01.2020 now been a sum of Rs.1,93,739/- is available with interest accrued till then.

7. The facts as narrated above show that the petitioner as a



CrI.O.P.No.9329 of 2024

complainant been awarded compensation of Rs.5,20,000/- by the trial Court and

same has been confirmed by the First Appellate court and Revision Court.

Hence, the money deposited by the accused as a pre-condition to get suspension of sentence has to be paid to the complainant who is entitled for that. The Judicial Magistrate shall take note of this fact and entertain the application for return of the money. The amount accrued to be paid to the petitioner herein on proper identification and proof.

8. With the above observation, this Criminal Original Petition is disposed of.

21.06.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Metropolitan Magistrate Court, FTC-II, Allikulam, Chennai.

Dr.G.JAYACHANDRAN, J.

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