



Crl.RC.No.1200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.1200 of 2024

and

Crl.MP.No.10241 of 2024

J.Sri Lakshmi Jennifer

...Petitioner

Vs.

V.Karunambigai

...Respondent

Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records in STC.No.5320 of 2023 on the file of the learned Metropolitan Magistrate (FTC-II), Allikulam (Egmore Unit) and set aside its impugned charges dated 22.03.2024.

For Petitioner : M/s.U.Priyadarsini

For Respondent : Mr.B.Manimaran

ORDER

This Criminal Revision case has been filed seeking quashment of the order dated 22.03.2024 made in STC.No.5320 of 2023 on the file of the learned Metropolitan Magistrate (FTC-II), Allikulam (Egmore Unit).



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2. The case of the petitioner is that, the respondent filed a complaint against the petitioner for the offence u/s. 138 of the Negotiable Instruments Act, alleging that, during July 2018, the petitioner borrowed a sum of Rs.4,50,000/- from the respondent and agreed to repay the same with an interest at the rate of 2% per month, however, he failed to repay the same and two cheques both dated 17.11.2022 each for a sum of Rs.2,50,000/- and Rs.2,00,000/- respectively issued by the petitioner towards discharge of the said liability were also dishonoured. Thereafter, during January 2023, the petitioner issued another cheque dated 21.04.2023 for a total sum of Rs.6,75,000/- by including the interest for the borrowed amount and even when the said cheque was presented for collection, the same was also returned with an endorsement 'Funds insufficient' and thereby, the respondent issued a legal notice dated 04.05.2023 and despite receiving the same on 06.05.2023, neither the petitioner nor her husband sent reply or repaid the borrowed amount. Hence, the complaint. However, the trial court had framed charges against the petitioner for a sum of Rs.11,25,000/- which is not sustainable. Challenging the same, the petitioner has come up with this revision.



3. Learned counsel for the petitioner submitted that, even as per the complaint, the entire amount alleged to have been borrowed by the petitioner from the respondent is only Rs.4,50,000/- for which the petitioner issued a cheque dated 21.04.2023 for a sum of Rs.6,75,000/-, by calculating the interest amount. However, the trial court had erroneously added the amounts mentioned in all three cheques issued by the petitioner and arrived at a conclusion that the amount borrowed by the petitioner is Rs.11,25,000/- and framed charges against the petitioner for a sum of Rs.11,25,000/- which is not sustainable. Accordingly, he prayed for appropriate orders.

4. Learned counsel appearing on behalf of the respondent fairly submitted that, the trial court had inadvertently mentioned the borrowed amount as Rs.11,25,000/- and framed charges against the petitioner for the said amount, however, the actual amount payable by the petitioner to the respondent is only Rs.6,75,000/-, including the interest.

5. In view of the fair stand taken by the learned counsel appearing on behalf of the respondent, the charges framed against the petitioner in respect



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of the cheque amount is set aside and the matter is remanded to the trial court and the trial court is directed to frame fresh charges against the petitioner with regard to the admitted cheque amount and shall conclude the entire proceedings in STC.No.5320 of 2023 pending on the file of the Metropolitan Magistrate (FTC-II), Allikulam, (Egmore Unit), within a period of six months from the date of receipt of a copy of this order.

6. With the above observations and directions, this Criminal Revision Case stands allowed. Consequently, the connected Miscellaneous petition is closed.

01.08.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

The Metropolitan Magistrate (FTC-II),
Allikulam, (Egmore Unit).

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M.DHANDAPANI, J.

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