WEB COPY

Crl.M.P.No.11769 of 2024
in
Crl.R.C.No.348 of 2021

M. NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed seeking to issue a direction to the learned Fast Track Court (Magistrate Level-II) at Poonamallee, to return the sum of Rs.1,89,000/- (Rupees One Lakh Eighty Nine Thousand) deposited to the account of S.T.C.No.46 of 2018 on the file of Fast Track Court at Magistrate Level-II, Poonamallee to the complainant, pending disposal of the above revision.

2.The petitioner/complainant filed a private complaint against the respondent under Section 138 of the Negotiable Instruments Act in S.T.C.No.46 of 2018. The trial Court, by judgment dated 20.12.2018, convicted the respondent and sentenced her to undergo 24 months simple imprisonment and to pay the cheque amount of Rs.9,45,000/- as compensation. Aggrieved against the same, the respondent/accused preferred an appeal before the III Additional District and Sessions Court, Tiruvallur at Poonamallee in Crl.A.No.43 of 2019. At that time, the respondent deposited 20% of the cheque amount, i.e., Rs.1,89,000/- and finally, the appeal was

https://www.mhc.tn.gov.in/judis

WEB COPY

dismissed, against which, she preferred the above revision. This Court, by order dated 03.06.2021, recording that the respondent already deposited 20% of the compensation amount before the trial Court, namely, Fast Track Court at Magisterial Level No.II, Poonamallee in S.T.C.No.46 of 2018, directed the respondent to pay remaining 80% of the compensation amount, i.e., Rs.7,56,000/- within a period of six weeks from the date of order.

3.Six weeks thereafter, whenever the case was listed, the respondent had been taking time and finally the matter was referred to Lok Adalat on 12.08.2022 and the issue could not be resolved and thereafter it has been posted back to this Court and the case is yet to be taken up for final hearing. The petitioner is ready for final hearing of the case. In the meanwhile, he filed the above miscellaneous petition to withdraw 20% of the cheque amount, i.e.,Rs.1,89,000/- deposited in the Court.

4.In view of the above, the petitioner is permitted to withdraw the amount of Rs.1,89,000/- deposited in the credit of S.T.C.No.46 of 2018 on the file of Fast Track Court at Magistrate Level-II, Poonamallee by filing appropriate petition before the trial Court giving an undertaking that the withdrawal of amount is subject to the outcome of Crl.R.C.No.348 of 2021,

https://www.mhc.tn.gov.in/judis

WEB COPY

which is pending before this Court. The Lower Court on filing such petition can permit the petitioner herein to withdraw the amount without notice to the respondent/accused.

5.Accordingly, this Criminal Miscellaneous Petition is ordered.

6.The petitioner is directed to take private notice to the respondent as well as his counsel informing about the listing of Crl.R.C.No.348 of 2021 for final hearing before this Court on 11.09.2024.

7.Post the main revision on 11.09.2024 under the caption 'For Orders'.

23.08.2024

rsi

https://www.mhc.tn.gov.in/judis

WEB COPY

M.NIRMAL KUMAR, J.

rsi

Crl.M.P.No.11769 of 2024
in
Crl.R.C.No.348 of 2021

23.08.2024

https://www.mhc.tn.gov.in/judis