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CrI.RC.No.1796 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2024

CORAM:

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

CrI.RC.No.1796 of 2023

and

CrI.M.P.No.17030 of 2023

Shaj Petro Traders,
By its Proprietor,
Syed Shajahan,
S/o.Akbar,
No.1/45, Fathimabee Thakka,
Elavanasurkottai, (Ward-3)(Pidagam)
Ulundurper Taluk, Kallakurichi District.

...Petitioner

Vs.

G.Gajendiran
...Respondent

Prayer : Criminal Revision Petition is filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the order dated 03.06.2023 passed by the learned F.T.C.(Magistrate Level), Tiruvannamalai in CrI.M.P.No.119 of 2022 in C.C.No.19 of 2022 pending on the file of F.T.C.(Magistrate Level), Tiruvannamalai.

For Petitioner : Mr.Palaninathan
for B.Senthil Kumar

For Respondent : Mr.Rishi.S.Ahuja



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ORDER

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This Criminal Revision petition has been filed by the petitioner to set aside the order dated 03.06.2023 passed by the learned F.T.C.(Magistrate Level), Tiruvannamalai in CrI.M.P.No.119 of 2022 in C.C.No.19 of 2022 pending on the file of F.T.C.(Magistrate Level), Tiruvannamalai.

2. It is the case of the petitioner that the respondent / complainant had lent a sum of Rs.26,00,000/- to the petitioner / accused for making investments to run his petrol bunk. Thereafter, the petitioner sought further time to repay the said loan and had requested for additional loan for running his business. In order to repay his liability, the petitioner issued a post dated cheque and when the said cheque was presented for collection, the same has been dishonoured with an endorsement “Account Closed”. Thereafter, the respondent sent a statutory notice to the petitioner calling upon him to make the aforesaid payment and despite receiving the same, as the petitioner has not repaid the outstanding due, the respondent filed a complaint under Section 200 Cr.P.C., for an offence u/s. 138 and 142 of Negotiable Instruments Act in CC.No.19 of 2022 on the file of the F.T.C.(Magistrate



Level), Tiruvannamalai and the same is pending. In the mean time, the petitioner filed a petition u/s.143A of Negotiable Instruments Act before the trial Court for grant of interim compensation to the respondent and the same was allowed with a direction to the petitioner to pay a sum of Rs.5,00,000/- as interim compensation to the respondent / complainant. Challenging the same, the present petition has been filed.

3. Though very many grounds have been raised in the present petition, the learned counsel for the petitioner upon instructions submits that the petitioner is ready to deposit a sum of Rs.5,00,000/- to the credit of C.C.No.19 of 2022 on the file of Fast Track Court (Magistrate Level), Tiruvannamalai. Hence, he prayed this Court to restrict the respondent from withdrawing the said amount from the trial Court till the disposal of main C.C.

4. Heard the learned counsel appearing for the respondent and perused the materials placed on record.



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5. In view of the submission made by the learned counsel for the petitioner that the petitioner on his own volition is ready and willing to deposit the interim compensation of Rs.5,00,000/- as ordered by the trial Court in Crl.M.P.No.110 of 2022 to the credit of C.C.No.19 of 2022, this Court, directs the petitioner to deposit a sum of Rs.5,00,000/- to the credit of C.C.No.19 of 2022 on the file of Fast Track Court (Magistrate Level), Tiruvannamalai within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of the payment of proof for the said amount, the trial Court is directed to dispose of the main C.C. within a period of five (5) months thereafter. It is also made clear that the trial Court shall not disburse the interim maintenance paid by the petitioner to the respondent till the disposal of the main C.C.case.

6. With the above directions and observation, this Criminal Revision case is disposed of. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No



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To

1. The F.T.C.(Magistrate Level), Tiruvannamalai
2. The Public Prosecutor
High Court, Madras.



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M.DHANDAPANI, J.

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