



WEB COPY

Crl.M.P.No.13394 of 2024



Crl.M.P.No.13394 of 2024
in
Crl.A.No.459 of 2021

SHAMIM AHMED,J.

Heard Mr.K.Sivakumar, learned counsel representing the appellant and Mr.G.Subramanian, learned counsel for the respondent.

2. This criminal miscellaneous petition is filed to direct the Metropolitan Magistrate (Fast Tract-II) Court at Egmore (Allikulan Campus) Chennai, to refund the 20% of cheque amount viz., Rs.60,000/- deposited by the respondent in C.C.No.217 of 2016 by receipt No.A 9606 dated 26.12.2019 to the petitioner/respondent herein.

3. It is submitted by the learned counsel for the petitioner that the respondent herein had filed C.C.No.217 of 2016 before the Metropolitan Magistrate (Fast Track – II) Court at Egmore (Allikulan Campus) Chennai, to punish the petitioner herein for dishonour of cheque bearing No.019949 dated 29.04.2015 for a sum of Rs.3,00,000/-.



WEB COPY

4. It is further submitted by the learned counsel for the petitioner that the Metropolitan Magistrate (Fast Track – II) Court at Egmore (Allikulan Campus) Chennai, *vide* order dated 23.10.2019 convicted and sentenced the petitioner to undergo simple imprisonment for a period of one year and also directed him to pay the cheque amount of Rs.3,00,000/- as compensation. Aggrieved by the order dated 23.10.2019, an appeal was preferred by the petitioner in C.A.No.388 of 2019 and by order dated 19.11.2019, the Principal Sessions Judge, Chennai in Crl.M.P.No.24683 of 2019 in C.A.No.388 of 2019 suspended the sentence imposed by the trial Court and directed to petitioner to deposit 20% of the cheque amount in the credit of C.C.No. on the file of the trial Court within sixty days from the date of the order. He further submitted that in compliance of the order dated 19.11.2019, the petitioner deposited 20% of the cheque amount *viz.*, Rs.60,000/- on 26.12.2019 in C.C.No.217 of 2016 by receipt No. A 9606 dated 26.12.2019. Further, C.A.No.388 of 2019 was allowed *vide* order dated 17.04.2024 by the XX Additional Sessions Judge, City Civil Court and the said order reads as below:

“In the result, the appeal is allowed by setting aside the conviction and sentence including the levy of compensation imposed



WEB COPY



Crl.M.P.No.13394 of 2024

against the Appellant/Accused on 23.10.2019 made in C.C.No.217/2016 by the learned Metropolitan Magistrate- Fast Tract -II at Egmore, Allikulam, Chennai – 3 and the appellant/accused is acquitted by this appellant Court accordingly.”

5. Aggrieved by the aforesaid order dated 17.04.2024, the respondent/complainant herein has preferred a revision in C.A.No.459 of 2021 before this Court and during the pendency of the aforesaid appeal, both the parties entered into compromise and the matter was settled amicably. The same is ascertained by Mr.G.Subramanian, learned counsel for the respondent.

6. The learned counsel for the petitioner submitted that the respondent thereafter withdrew the Crl.A.No.459 of 2024 pending before this Court and this Court *vide* order dated 23.04.2024 passed the following order:

“When the matter was taken up for hearing, the learned counsel for the appellant sought permission of this Court to withdraw this appeal. An endorsement to the said effect was also made by the learned counsel for the appellant in the appeal today.

In view of the submission made by the learned counsel for the appellant, this Criminal Appeal stands dismissed as withdrawn”.



WEB COPY

7. The learned counsel for the petitioner further submitted that due to his non appearance the above said appeal was disposed of and there is no speaking order permitting the petitioner to withdrawn 20% of the cheque amount *viz.*, Rs.60,000/- which was deposited before the trial Court in C.C.No.217 of 2016. He further prayed that a direction may be given to the trial Court to refund 20% of the cheque amount *viz.*, Rs.60,000/- deposited in the C.C.No.217 of 2016. Hence, this petition.

8. Mr.G.Subramanian, learned counsel for the respondent has no objection if positive direction is given to the trial Court for refund of 20% of the cheque amount *viz.*, Rs.60,000/- to the petitioner.

9. Accordingly, this Court has also felt that once the dispute is settled between the parties and final orders have been passed by this Court without any adjudication against the petitioner the deposited amount has to be refunded to the petitioner. Therefore, the trial Court is directed to refund 20% of the cheque amount *viz.*, Rs.60,000/- deposited by the



Crl.M.P.No.13394 of 2024

petitioner/respondent in C.C.No.217 of 2016 by receipt No, A 9606 dated 26.12.2019 within 15 days from the date of receipt of a certified copy of this order.

10. With these observations, this criminal miscellaneous petition is disposed of.

03.10.2024

vca



WEB COPY



Crl.M.P.No.13394 of 2024

SHAMIM AHMED,J.

Vca

Crl.M.P.No.13394 of 2024



WEB COPY



Crl.M.P.No.13394 of 2024

03.10.2024