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Crl.R.C.No.1467 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.1467 of 2022
and Crl.M.P.No.16648 of 2022**

K.Gopikrishna

... Petitioner

Vs.

N.Ganesan

... Respondent

PRAYER : Criminal Revision filed under Section 397 (1) r/w. 401 of the code of Criminal Procedure, 1973 to call for the records relating to the order passed by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.14648 of 2022 on 13.10.2022 and set aside the same and thereby, dismiss the petition seeking payment out.

For Petitioner : Mr.K.P.Sanjeev Kumar

For Respondent : Mr.N.Nithianandam



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ORDER

The Criminal Revision Case is filed to set aside the impugned order dated 13.10.2022 passed in Crl.M.P.No.14648 of 2022 by the learned Principal Sessions Judge, Chennai.

2. The learned counsel appearing for the petitioner submits that the petitioner is the complainant in C.C.No.2048 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court No.III, Chennai and the case was ended in conviction, against which, appeal was preferred by the respondent in C.A.No.24 of 2022 and while suspending the sentence imposed on the respondent, the Appellate Court directed the respondent to deposit 20% of the compensation amount before the trial Court and thereafter, the appeal was allowed vide judgment dated 26.07.2022 by setting aside the judgment of conviction of the learned Metropolitan Magistrate, Fast Track Court No.III, Saidapet, Chennai, passed in C.C.No.2048 of 2016. Subsequent to the acquittal, the respondent/accused has filed a petition in Crl.M.P.No.14648 of 2022 seeking to release the amount of Rs.31,92,000/- deposited by him towards 20% of the compensation amount and the same



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was allowed. Challenging the same, the present petition has been filed.

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3. The learned counsel appearing for the respondent submits that against the order of acquittal passed by the Appellate Court, the petitioner has preferred an appeal before this Court in Crl.A.No.508 of 2023 and the same is pending.

4. When Crl.A.No.508 of 2023 filed by the petitioner against the order of acquittal dated 26.07.2022 passed in C.A.No.24 of 2022 is pending, there is no necessity for keeping the criminal revision case pending, since the compensation amount was released in favour of the respondent subsequent to the order of the acquittal dated 26.07.2022. However, the petitioner is at liberty to work out his remedy in the manner known to law for recovering the amount, after the disposal of Crl.A.No.508 of 2023.



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5. Accordingly, the Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petition is closed.

10.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

The learned Principal Sessions Judge, Chennai



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M.DHANDAPANI, J.

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