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Crl.R.C.No.1741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1741 of 2023
and
Crl.M.P.Nos.16574 & 16575 of 2023

Sugavanam Vijayakumar

... Petitioner

Vs.

G.Karthik

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. to call for records and set aside the order passed in Crl.M.P.No.5992 of 2022 in C.C.No.4111 of 2019 on the file of the Metropolitan Magistrate, FTC-V, Saidapet, Chennai-15.

For Petitioner : Mr.S.Shanmugavelayutham
Senior Counsel
for Ms.V.Jayalakshmi

For Respondent : Mr.K.Sivasubramanian



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ORDER

The revision challenges the order passed by the learned Magistrate directing the petitioner who is facing trial under Section 138 of the Negotiable Instruments Act to deposit a sum of Rs.10,00,000/-, being 10% of the cheque amount.

2.Mr.S.Shanmugavelayutham, learned senior counsel appearing for the petitioner would submit that the averments in the petition and counter would show that the petitioner paid Rs.82,30,000/-; that the cheque amount is Rs.1 Crore; that therefore directing the petitioner to pay 10% of the cheque amount would be an onerous condition and therefore, prayed for setting aside the said order passed under Section 143(A) of the Negotiable Instruments Act.

3.The learned counsel for the respondent, per contra, would submit that the amount due is more than Rs.1.5 Crores and even according to the petitioner, more than a sum of Rs.17 lakhs is due to be paid to the



respondent and therefore, there is no infirmity in the order of the learned Magistrate in directing the petitioner to deposit Rs.10 lakhs pending the trial.

4.On perusal of the impugned order, it is seen that the petitioner had appeared on bailable warrant and since the case was pending for a long time, the learned Magistrate directed the petitioner to pay the interim compensation of 10% of the cheque amount. According to the petitioner, he had paid a sum of Rs.82,30,000/- as against his borrowing of Rs.79 lakhs. According to the respondent, the petitioner is liable to pay more than Rs.1.5 Crores. However, considering the fact that substantial amount has been paid by the petitioner and the issue as to whether the petitioner is due to pay the cheque amount has to be decided in the trial and also considering the contentions raised by the parties, this Court is of the view that in the interest of justice the petitioner can be directed to pay Rs.5,00,000/- to the respondent. Accordingly, the petitioner is directed to pay Rs.5,00,000/- (Rupees Five Lakhs only) to the respondent as interim compensation by way of Demand Draft within a period of four weeks from the date of receipt of a



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copy of this order with due acknowledgment.

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5.Further, since this Court had granted stay earlier and the case is pending before the Trial Court from the year 2019, the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai-15 may conclude the trial as expeditiously as possible.

6.With the above directions, the Criminal Revision Case stands disposed of. Consequently, connected miscellaneous petitions are closed.

18.11.2024

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

cse

To

The Metropolitan Magistrate,
Fast Track Court-V,
Saidapet, Chennai-15

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18.11.2024