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Crl.M.P.No.13355 of 2025
in Crl.R.C.No.1260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.13355 of 2025
in
Crl.R.C.No.1260 of 2022

A.Mogana, W/o Annadurai

.. Petitioner

Vs.

A.Ravichandran, S/o Ambikapathy

.. Respondent

Criminal Miscellaneous Petition No.13355 of 202 is filed under Section 528 of the BSNJ, 2023, to modify the order to permit the petitioner/respondent to withdraw the amount of Rs.3,20,000/- deposited along with interest in the Fixed Deposit held in the credit of the Tamil Nadu State Legal Services Authority, Chennai, in relation to Crl.R.C.No.1260 of 2022, daed 18.11.2022.

Criminal Revision Case is filed under Section 397 read with Section 401 of Cr.P.C. to set aside the order dated 15.06.2022 passed by III Additional District and Sessions Judge, Cuddalore at Virudhachalam, in Crl.A.No.34 of 2021, in dismissing the appeal seeking to set aside the conviction and sentence awarded by the Judicial Magistrate-I, Virudhachalam in S.T.C.No.844 of 2015 by the judgment dated 11.08.2021.

For petitioner : M/s.Radhika Boopathi

For respondent: Mr.G.Palani

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ORDER

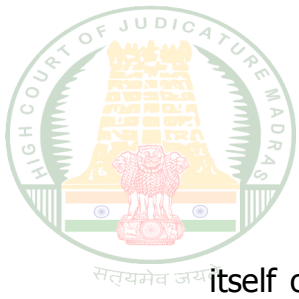
CrI.R.C.No.1260 of 2022 was filed by the accused under Section 397 read with Section 401 of Cr.P.C., was allowed by this Court on 18.11.2022, as the offence under Section 138 of the Negotiable Instruments Act, tried in S.T.C.No.844 of 2015 on the file of the Judicial Magistrate-I, Virudhachalam, stood compounded.

2. Now, the present miscellaneous petition has been filed by the complainant praying to modify the order permitting the complainant to withdraw the amount of Rs.3,20,000/- which was deposited along with interest in the Fixed Deposit held in the credit of the Tamil Nadu State Legal Services Authority, Chennai, in relation to the order passed in CrI.R.C.No.1260 of 2022, dated 18.11.2022.

3. It is to be noted that pending the criminal revision petition, both the parties have entered into compromise and the same was recorded and the offence was accordingly compounded by this Court on 18.11.2022 while passing the final order in the said CrI.R.C.

4. At this juncture, it is to be noted that while passing the final order in the said CrI.R.C., by recording the compounding of the offence under Section 138 of the Negotiable Instruments Act, this Court allowed main revision petition

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itself on 18.11.2022 and on that day, the complainant did not appear either in person or through a counsel. Thereafter, the present miscellaneous petition is filed by her for the relief stated supra.

5. In the above context, it is to be noted that the offence under Section 138 of the Negotiable Instruments Act, is a compoundable offence. Further, the revision petitioner/accused had deposited the entire amount along with interest and has also paid 15% of the cheque amount before the Tamil Nadu State Legal Services Authority, and hence, this Court recorded the compounding of the offence under Section 138 of the said Act.

6. Heard both sides and perused the materials available on record.

7. After the above-said compounding of the offence, the complainant had approached the Court below to withdraw the amount and the Court below returned the petition on the ground that there is no specific direction to withdraw the amount, in the revision petition while passing final order therein by this Court, leading to filing the present miscellaneous petition by her.

8. Hence, for the foregoing reasons, this miscellaneous petition filed by the complainant, is disposed of, permitting the complainant to withdraw the necessary amount that was deposited by the accused, before the Court below after the final order was passed by this Court in the revision petition, and she is entitled to get accrued interest therein, if any, as per the Rules in force.

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To

1. The Member Secretary,
Tamil Nadu State Legal Services Authority,
High Court compound, Chennai-600 104.
2. The District and Sessions Judge, Vridhachalam, Cuddalore District.
3. Judicial Magistrate-I, Vridhachalam, Cuddalore District.
4. The Record Keeper, Criminal Section, High Court, Madras.
5. The Public Prosecutor, High Court, Madras.

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P.VELMURUGAN, J

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