



CRL MP(MD) NO.950 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) NO.950 of 2025

in

CRL RC(MD) NO.1335 of 2024

M.Eswaran

Petitioner

Vs

1.Jeyam Traders,
by its Proprietor Chinnadurai

2.Chinnadurai

Respondents

For Petitioner : Mr.C.Ramesh, Advocate
For Respondent : Mr.D.Nallathambi, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed seeking permission to withdraw the amount of Rs.1,60,000/- deposited by the respondents to the credit of S.T.C.No.28 of 2021 on the file of the Judicial Magistrate, Fast Track Court, Uthamapalayam.

2. The criminal revision is directed against the judgment made in Crl.A.No.106 of 2022 on the file of the Additional District Court (Fast Track), Theni dated 19.08.2024, confirming the judgment made in S.T.C.No.28 of 2021 dated 27.09.2022 on the file of the Fast Track Court (Magistrate Level), Uthamapalayam, convicting the respondents for the offence under Section 138 of Negotiable Instruments Act and



CRL MP(MD) NO.950 of 2025

sentenced to undergo one year simple imprisonment and to pay compensation of Rs.8,00,000/-, in default, to undergo three months simple imprisonment. Pending revision, the respondents have approached this Court for suspension of sentence in Crl.M.P.(MD)No.13568 of 2024 and this Court, while suspending the sentence, directed the respondents to deposit 20% of the cheque amount on or before 21.01.2025 and in pursuance of the same, the respondents have deposited Rs.1,60,000/- before the trial Court.

3. The learned counsel appearing for the petitioner would submit that though the complaint came to be filed in 2021, is pending for the past four years, that the respondents have deposited the amount in pursuance of the direction of this Court and the same is available with the trial Court, that the petitioner may be permitted to withdraw the said amount on necessary undertaking and that the petitioner undertakes to refund the amount as and when directed.

4. The learned counsel appearing for the respondents would submit that they are having objections and that they are having valid arguable points in the main revision.

5. As rightly contended by the learned counsel appearing for the petitioner, the judgment of conviction came to be confirmed by the appellate Court and now pending before the revisional Court.



CRL MP(MD) NO.950 of 2025

WEB COPY

6. Section 148(3) of Negotiable Instruments Act contemplates that the Appellate Court may direct the release of the amount deposited by the appellant to the complainant at any time during the pendency of the appeal.

7. Considering the above facts and circumstances and also taking note of the submission made on either side, this Court is inclined to allow this petition.

8. In the result, this Criminal Miscellaneous Petition is allowed. The petitioner is permitted to withdraw the amount deposited by the respondents before the trial Court by giving necessary undertaking.

sd/-
12/02/2025

/ TRUE COPY /

/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1 THE ADDITIONAL DISTRICT JUDGE (FTC),
THENI.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT,
UTHAMAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

+1 CC to M/s.R.MURALI, Advocate (SR-1620[I] dated 13/02/2025)

<https://www.mhc.tn.gov.in/judis>



WEB COPY



CRL MP(MD) NO.950 of 2025

ORDER

IN

CRL MP(MD) NO.950 of 2025

in

CRL RC(MD) NO.1335 of 2024

Date :12/02/2025

RS/GSV/SAR-(13.03.2025) 4P 5C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023