



CRL.R.C.(MD)No.774 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.11.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.R.C.(MD)No.774 of 2025

1.M/s.Punitha Enterprises,
through its Proprietor,
Fr.M.A.Soosai Anthony Micheal,
M.A Soosai Bhavan,
2nd Cross Street, Kakkan Nagar,
Sankarankovil, Tenkasi District.

2.Fr.M.A.Soosai Anthony Micheal,
Proprietor,
M/s.Punitha Enterprises,
2nd Cross Street, Kakkan Nagar,
Sankarankovil, Tenkasi District.

... Petitioners

vs.

E.Muthuraman,
S/o Elayaperumal Thevar,
1st Floor, City Union Bank,
Peraiyur Road, Usilampatti,
Madurai District.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the order passed by the Vacation Sessions Judge, Madurai in Crl.M.P.No.149 of 2025 in C.A No. 2 of 2025 dated 08.05.2025 and to set aside condition No.2(1) directing



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the petitioner to deposit 20% of the compensation amount before the District Munsif cum Judicial Magistrate No.1, Usilampatti.

For Petitioners :Mr.D.Venkatesh
For Respondent :Mr.P.R.Prithiviraj

ORDER

Heard Mr.D.Venkatesh, learned Counsel for the petitioners and Mr.P.R.Prithiviraj, learned Counsel for the respondent.

2.This Criminal Revision Case is filed challenging the order passed in Crl.M.P.No.149 of 2025 in C.A.No.2 of 2025, dated 08.05.2025, on the file of the Vacation Sessions Judge, Madurai, by which, vide condition No.(1) of paragraph No.2, the petitioner was directed to deposit 20% of the compensation amount before the District Munsif cum Judicial Magistrate No.1, Usilampatti, within one month.

3.The facts of case, in a nutshell, led to filing of this Petition and necessary for disposal of same, are as follows:-

a) The petitioner borrowed a sum of Rs.2,00,00,000/- from the respondent on various occasions and had given four post dated cheques



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each for a sum of Rs.50,00,000/-. When the respondent has presented the cheques for collection on 20.10.2022, the same were returned with reason "Funds Insufficient". Therefore, the respondent has sent a legal notice to the petitioner, demanding repayment of the amount covered by the cheques and despite receiving the same, the petitioner neither sent a reply nor repaid the said amount. Therefore, the respondent has filed a private complaint in respect of dishonouring of cheque bearing No. 395216, dated 20.10.2022 for the offence under Section 138 of Negotiable Instruments Act, 1881, against the petitioner.

b) It is seen from the records that the petitioner has been convicted by the trial Court vide order, dated 03.04.2025 in S.T.C.No.610 of 2022 for the alleged offence punishable under Section 138 of Negotiable Instruments Act, 1881, and sentenced to undergo simple imprisonment for a period of one year and to pay a compensation of Rs.60,00,000/-, in default, to undergo simple imprisonment for a period of six months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in C.A.No.2 of 2025 on the file of the Vacation Sessions Judge, Madurai along with an application in Crl.M.P.No.149 of 2025 for grant of suspension of the sentence. The learned Vacation Sessions



Judge, Madurai, while allowing the application for grant of suspension of sentence in CrI.M.P.No.149 of 2025 in C.A.No.2 of 2025, vide order, dated 08.05.2025, had imposed certain conditions upon the petitioner. The order passed in CrI.M.P.No.149 of 2025 in C.A.No.2 of 2025, dated 08.05.2025, on the file of the Vacation Sessions Judge, Madurai, is being reproduced herein below:-

“Petition u/s.430(13) of BNSS praying to suspend the execution of sentence passed by the learned District Munsif-cum-Judicial Magistrate No.I, Usilampatti in STC.No.610/2022 dated 03.04.2025 and to release the petitioner/appellant on bail till the disposal of the appeal.

2.Heard. The learned counsel for the petitioner/appellant submitted that he already paid the actual cheque amount to the respondent/complainant. But the trial court without properly appreciating the evidence emerged on record convicted the appellant/accused. Moreover, the trial court suspended the sentence till 13.05.2025. Under these circumstances, having regard to the facts and circumstances of this case, in the context of legal point raised by the learned counsel for the petitioner/appellant, which is to be decided in the appeal, this court feels that sentence imposed on the petitioner/appellant is to be suspended till the disposal of the appeal (C.A.No.2/2025) imposing the following conditions.

1.The petitioner is directed to deposit 20% of the compensation amount before the learned District Munsif-cum-Judicial Magistrate No.I, Usilampatti within a month.

2.Thereafter, the petitioner should execute a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the learned District Munsif-cum-Judicial Magistrate No.I, Usilampatti.



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3. The petitioner/accused should appear before the Hon'ble Principal District and Sessions Judge, Madurai on 02.06.2025 and on further hearings without fail."

4. Being aggrieved with the condition No.(1) of paragraph No.2, by which, the petitioner was directed to deposit 20% of the compensation amount before the District Munsif cum Judicial Magistrate No.1, Usilampatti, within one month, the present Criminal Revision Case has been filed.

5. This Court, on 12.11.2025, when the matter came up for consideration, had passed the following order:-

"The present Criminal Revision Case has been filed with the following prayer:

"to call for the records pertaining to the order passed by the Vacation Sessions Judge, Madurai in Crl.M.P.No.149 of 2025 in C.A No. 2 of 2025 dated 08.05.2025 and to set aside condition No.2(1) directing the petitioner to deposit 20% of the compensation amount before the District Munsif cum Judicial Magistrate No.1, Usilampatti"

2. The Co-ordinate Bench of this Court, vide order dated 02.07.2025, had passed the following order:-

"The petitioners are directed to pay 10% of the compensation amount on or before 16.07.2025.

2. Post the matter on 21.07.2025, under the caption 'for reporting compliance'"

3. Today, when the matter is being taken up, the learned Counsel for the petitioners submits that in compliance of the order passed by the Co-ordinate Bench of this Court, dated



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02.07.2025, out of the total compensation amount of Rs. 60,00,000/-, the petitioners have already deposited 10% of the compensation amount, ie., a sum of Rs.6,00,000/- to the credit of STC No.610 of 2022 on the file of the learned District Munsif cum Judicial Magistrate No.I, Usilampatti on 15.07.2025. In this regard, he has produced a copy of the deposit receipt before this Court, which is taken on record. It was further submitted that the petitioners are now ready to deposit further 10% of the compensation amount ie., a sum of Rs.6,00,000/-, apart from the amount already deposited, before the trial Court and prays for one week time from today to deposit the said amount and to produce the deposit receipt in this regard before this Court.

4.Mr.P.R.Prithiviraj, learned counsel for the respondent has no objection to the aforesaid prayer made by the learned counsel for the petitioners.

5.Accordingly, as prayed for by the learned Counsel for the petitioners, one week and no more time is granted to the petitioners to deposit further 10% of the compensation amount, ie., a sum of Rs.6,00,000/-, apart from the amount already deposited, to the credit of STC No.610 of 2022 on the file of the learned District Munsif cum Judicial Magistrate No.I, Usilampatti. The petitioners are also directed to produce the deposit receipt on the next date fixed.

6.Put up this case “for orders” on 21.11.2025 before the appropriate Bench.”

6.Today, when the matter is being taken up, Mr.D.Venkatesh, learned Counsel for the petitioners submits that the petitioner has not made compliance of the order passed by this Court, dated 12.11.2025, as the petitioner is going under some financial constraints and is not able to arrange further 10% of the compensation amount ie., a sum of Rs. 6,00,000/- within the stipulated period, as directed by this Court.



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7.Mr.P.R.Prithiviraj, learned Counsel for the respondent also submits that the petitioner has not made compliance of the order passed by this Court in Crl.R.C.(MD) No.774 of 2025, dated 12.11.2025 and has not deposited further 10% of the compensation amount ie., a sum of Rs.6,00,000/-, apart from the amount already deposited, before the trial Court, as directed by this Court, vide order dated 12.11.2025. Thus, he prays this Court that the order made in Crl.M.P.No.149 of 2025 in C.A.No.2 of 2025, dated 08.05.2025, on the file of the Vacation Sessions Judge, Madurai, may be confirmed, as the petitioner has not made compliance of the order passed by this Court dated 12.11.2025, even though this Court had granted sufficient opportunity to the petitioner to deposit the said amount.

8.I have given my careful and anxious consideration to the contentions put forward by the learned Counsel on either side and also perused the order, passed in Crl.M.P.No.149 of 2025 in C.A.No.2 of 2025, dated 08.05.2025, on the file of the Vacation Sessions Judge, Madurai, and the order passed by this Court in Crl.R.C.(MD) No.774 of



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2025, dated 12.11.2025 as well as the affidavit filed in support of this petition.

9.On perusal of the order passed by this Court, dated 12.11.2025, this Court is of the view that this Court has passed the aforesaid order after taking into consideration the entire materials available on record and also after considering the submissions made on either side. However, in spite of giving sufficient opportunity to the petitioner to deposit further 10% of the compensation amount ie., a sum of Rs.6,00,000/-, the Revision Petitioner/Accused has failed to comply with the direction issued by this Court, vide order dated 12.11.2025. This shows that the Revision Petitioner/Accused has no respect to the court orders and he is simply buying time and lingering the matter. Further, on perusal of the affidavit filed in support of this petition, the petitioner has not made out any ground to modify the condition No.(1) of paragraph No.2 of the order made in Crl.M.P.No.149 of 2025 in C.A.No.2 of 2025, dated 08.05.2025, on the file of the Vacation Sessions Judge, Madurai. Hence, this Court is not inclined to entertain this Criminal Revision Case and the same is liable to be dismissed.



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10. Accordingly, this Criminal Revision case is dismissed. The order passed by the Vacation Sessions Judge, Madurai in Crl.M.P.No.149 of 2025 in C.A No. 2 of 2025 dated 08.05.2025 is confirmed. There is no order as to costs and the file is consigned to record. Interim order, if any, shall stand vacated. The appellate Court is directed to proceed in the case in accordance with law.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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To

- 1.The Vacation Sessions Judge, Madurai.
- 2.The District Munsif cum Judicial Magistrate No.1, Usilampatti.



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SHAMIM AHMED, J.

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