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CRL MP(MD) NO. 12340 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-09-2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL MP(MD) NO. 12340 of 2025

in

Crl.R.C.(MD) No.810 of 2025

Sathishkumar

S/o. Rampaul, KTM Marriage Hall(Near), Taluk Office Main Road,
Tiruchendur Taluk, Thoothukudi District.

Petitioner(s)

Vs

Velkumar

S/o. Paulpandi Nadar, D.No. 27/59, Ramasampuram,

Tiruchendur Taluk, Thoothukudi District.

Respondent(s)

Prayer:

To relax the condition imposed on the petitioner in Crl.M.P.(MD) No.8637 of 2025 in
Crl.R.C.(MD) No.810 of 2025 dated 07.07.2025.

For Petitioner(s):

Mr.G.Karuppasamy Pandiyan

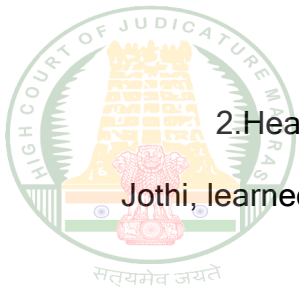
For Respondent(s):

Ms.Deepajothi for

Mr.S.Muniyandi

ORDER

This Criminal Miscellaneous Petition has been filed to relax the condition imposed upon the
petitioner in Crl.M.P.(MD) No.8637 of 2025 in Crl.R.C.(MD) No.810 of 2025, dated 07.07.2025.



2. Heard Mr.G.Karuppasamy Pandian, learned counsel for the petitioner and

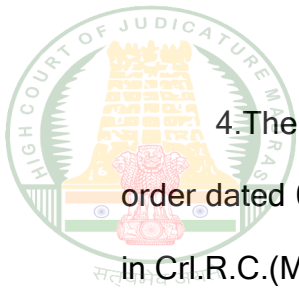
Jothi, learned counsel representing Mr.S.Muniyandi, learned counsel for the respondent.

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3. The facts of the case, in a nutshell, which led to filing of the Criminal Revision Case bearing CrI.R.C.(MD) No.810 of 2025, are as follows:-

i) The petitioner borrowed a loan of Rs.4,00,000/- from the respondent on 07.12.2013 and had given cheque bearing No.003847, dated 07.01.2014 for an amount of Rs.4,00,000/-. When the respondent has presented the cheque for collection, the same was returned with reason "insufficient funds" on 06.02.2014. Therefore, the respondent has sent legal notice on 01.03.2014 to the petitioner, demanding repayment of the amount covered by the cheque and the same was received by the petitioner on 04.03.2014. Despite receiving the same, the petitioner has neither chosen to send a reply nor to repay the amount. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act against the petitioner.

ii) It is seen from the records that the petitioner has been convicted by the trial Court in C.C.No.185 of 2014 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of six months and also directed to pay a compensation of Rs.4,00,000/- within a period of two months, in default, to undergo Simple Imprisonment for a period of 2 months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.57 of 2023 on the file of the II Additional District and Sessions Judge, Thoothukudi and the learned II Additional District and Sessions Judge, Thoothukudi, by confirming the conviction and sentence, dismissed the appeal. Challenging the same, the petitioner has preferred the Criminal Revision Case bearing CrI.R.C.(MD) No.810 of 2025 along with a Miscellaneous Petition bearing CrI.M.P.No.8637 of 2025 seeking suspension of sentence.



4.The Co-ordinate Bench of this Court, while admitting the Criminal Revision order dated 07.07.2025, had ordered suspension of sentence in CrI.M.P.(MD) No.8637 of 2025 in CrI.R.C.(MD) No.810 of 2025, with the following directions:-

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“(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the II Additional District and Sessions Judge, Thoothukudi;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 B.N.S.S. (Section 317 of Cr.P.C.) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.”

5.Today, when the matter is being taken up, Mr.G.Karuppasamy Pandian, learned counsel for the petitioner submits that the petitioner has already deposited 30% of the compensation amount ie., a sum of Rs.1,20,000/- to the credit of C.C.No.185 of 2014 on the file of Judicial Magistrate, Thiruchendur, on 20.07.2025, as per the order of appellate Court. In this regard, he has produced a copy of the deposit receipt issued by the Judicial Magistrate Court, Thiruchendur, which is annexed in page No.36 of the paper book.

6.The copy of the deposit receipt, which was granted by the Judicial Magistrate Court, Thiruchendur, produced by the learned counsel for the petitioner before this Court is taken on record.



7.The learned counsel for the petitioner further submits that the petitioner has been complying with the conditions imposed in CrI.M.P.(MD) No.8637 of 2025 in CrI.R.C.(MD) No.810 of 2025, dated 07.07.2025, without fail. It was further submitted that the petitioner is a daily wage employee. Thus, the learned counsel for the petitioner prays this Court that the condition No.(iii) of the order dated 07.07.2025 passed in CrI.M.P.(MD) No.8637 of 2025 in CrI.R.C.(MD) No.810 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the Judicial Magistrate Court, Thiruchendur, once in a month.

8.Ms.Deepa Jothi, learned counsel representing Mr.S.Muniyandi, learned counsel for the respondent fairly submits that the petitioner has been complying with the conditions imposed in CrI.M.P.(MD) No.8637 of 2025 in CrI.R.C.(MD) No.810 of 2025, dated 07.07.2025 regularly. However, he submits that the conditions imposed in CrI.M.P.(MD) No.8637 of 2025 in CrI.R.C.(MD) No.810 of 2025, dated 07.07.2025, are justified and made objection for relaxing the condition No.(iii) of the order dated 07.07.2025. It was requested by the learned counsel for the respondent that the respondent may be permitted to withdraw the amount of Rs.1,20,000/-, which was deposited by the petitioner on 20.07.2025 before the trial Court.

9.Accordingly, after considering the arguments as advanced by the learned counsel for the parties and after perusal of the order passed by the Co-ordinate Bench of this Court in CrI.M.P.(MD) No.8637 of 2025 in CrI.R.C.(MD) No.810 of 2025, dated 07.07.2025 and also considering the fact that the petitioner is a daily wage employee, this Court is inclined to relax the condition No.(iii) of the order dated 07.07.2025 passed in CrI.M.P.(MD) No.8637 of 2025 in CrI.R.C.(MD) No.810 of 2025 as follows:-



“The petitioner shall appear before the learned Judicial Magistrate, Thiruchendur, once in a month with effect from October 2025, ie., on the first working day of Every English Calendar month at 10.30 a.m., until further orders.”

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Rest of the conditions imposed in CrI.M.P.(MD) No.8637 of 2025 in CrI.R.C.(MD) No.810 of 2025, dated 07.07.2025 are unaltered.

10.Further, considering the request made by the learned counsel for the respondent, the respondent is permitted to file an application before the trial Court for withdrawal of Rs. 1,20,000/-, which was already deposited by the petitioner on 20.07.2025 before the trial Court, within a period of 10 days from today and if any such application is filed by the respondent within the time stipulated by this Court, the trial Court is directed to disburse the above amount to the respondent within a period of 10 days thereafter.

11.With the aforesaid directions, this Criminal Miscellaneous Petition is disposed of.

16-09-2025

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To

1. Additional District and Sessions Judge, Thoothukudi
2. Judicial Magistrate, Thiruchendur