

CRL.M.P(MD)No.14246 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P(MD)No.14246 of 2025

in

CRL.R.C.(MD)No.1099 of 2025

Hasina Begum,
W/o. A.N. Abudahir,
No.16-Subramaniapuram 1st Street, Madurai,
Now residing at,
No.2050, Villaburam, Madurai District. Petitioner

Vs

Nandhi Associates,
Rep by its partner, M.Suresh,
S/o. Muthusamy, No.43, Padma Tower,
Fourth Floor, Covai Road,
Sengunthapuram Post, Karur - 639 002.Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, To relax the (iii) condition imposed on the petitioner in CrI.M.P.(MD)No.11046 of 2025 dated 21.08.2025 in CrI. R.C(MD)No. 1099 of 2025.

For Petitioner

: Mr.O.R.Gokul Abimanyu
for M/s.Arulvadivel Associates



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ORDER

This Criminal Miscellaneous Petition is filed to relax the condition imposed on the petitioner in CrI.M.P.(MD)No.11046 of 2025 in CrI.R.C.(MD)No.1099 of 2025, dated 21.08.2025.

2.Heard Mr.O.R.Gokul Abimanyu, learned Counsel for the petitioner.

3.The short facts of the case, which are necessary for disposal of the present Criminal Miscellaneous Petition, are as follows:-

a)The petitioner has borrowed a loan of Rs.50,000/- from the respondent on 17.08.2016 agreeing to repay the same within a month with interest at the rate of Rs.2.10/- per hundred per month and had issued a cheque bearing No.268601 for an amount of Rs.50,000/- dated 19.12.2016. When the respondent has presented the cheque for collection, the same was returned with an endorsement "payment stopped by drawer". The respondent has sent a legal notice on 02.01.2017 to the petitioner demanding repayment of the amount covered by the cheque



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and the same was received by the petitioner on 04.01.2017. The petitioner has given a reply notice with false averments. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act, 1881, against the petitioner.

b)The learned Judicial Magistrate (FTC), Karur, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment dated 27.02.2023 convicting the petitioner for the offences under Section 138 of the Negotiable Instruments Act, 1881, and sentenced her to undergo simple imprisonment for a period of six months and also directed to pay the cheque amount of Rs.50,000/- as compensation within a period of one month, in default, to undergo simple imprisonment for a period of one month. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.40 of 2023 on the file of the District and Sessions Court, Karur, and the learned District and Sessions Judge, Karur, by confirming the conviction and sentence, dismissed the appeal. Aggrieved by the dismissal of the appeal, the petitioner has preferred the present Criminal Revision Case.



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4.The Co-ordinate Bench of this Court, while admitting the Criminal Revision Case, vide order, dated 21.08.2025, had ordered suspension of sentence in Crl.M.P.(MD)No.11046 of 2025 in Crl.R.C. (MD)No.1099 of 2025, with the following directions:-

“7. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(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 Fast Track Court (At Magistrate Level) Karur;

(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.”

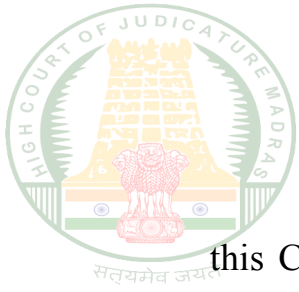


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5.Today, when the matter is being taken up, Mr.O.R.Gokul Abimanyu, learned Counsel for the petitioner submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No. 11046 of 2025 in Crl.R.C.(MD)No.1099 of 2025, dated 21.08.2025, without fail. It was further submitted that the petitioner could not appear before the trial Court due to her serious health issue. Thus, the learned Counsel for the petitioner prays this Court that the condition No.(iii) of the order dated 21.08.2025 passed in Crl.M.P.(MD)No.11046 of 2025 in Crl.R.C.(MD)No.1099 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the trial Court once in a month.

6.Accordingly, after considering the arguments as advanced by the learned Counsel for the petitioner and after perusal of the order passed by the Co-ordinate Bench of this Court in Crl.M.P.(MD)No.11046 of 2025 in Crl.R.C.(MD)No.1099 of 2025, dated 21.08.2025 and after perusal of the affidavit filed by the petitioner in support of the prayer made for relaxation of condition No.(iii) of the order, dated 21.08.2025,



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this Court is inclined to relax the condition No.(iii) of the order, dated 21.08.2025, passed in Crl.M.P.(MD)No.11046 of 2025 in Crl.R.C.(MD) No.1099 of 2025, as follows:-

“The petitioner shall appear before the Fast Track Court (At Magistrate Level) Karur, once in a month with effect from November, 2025, ie., on the first working day of Every English Calendar month at 10.30 a.m., until further orders.”

Rest of the conditions imposed in Crl.M.P.(MD)No.11046 of 2025 in Crl.R.C.(MD)No.1099 of 2025, dated 21.08.2025, are unaltered.

7.With the above modification, this Criminal Miscellaneous Petition is finally disposed of.

14.10.2025

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To

- 1.The Judicial Magistrate (FTC), Karur.
- 2.The District and Sessions Judge, Karur.

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SHAMIM AHMED, J.

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