



CRL MP(MD) NO. 14546 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15-10-2025

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL MP(MD) NO. 14546 of 2025

in

Crl.R.C.(MD) No.980 of 2025

Mohamed Uvaise

S/o.Mohamed Sali, Santhaiyadi Street, Udangudi,
Thoothukudi 628203.

Petitioner(s)

Vs

Kartheesan

S/o.P.S.K.Senthil Arumugam, 136, Thandavankadu Road,
Udangudi, Thoothukudi 628203.

Respondent(s)

Prayer: To relax the iii condition imposed upon the petitioner in Crl.M.P.(MD). NO. 10275 of 2025 dated 25.08.2025 in Crl.R.C.(MD). No. 980 of 2025 pending on the file of this Court.

For Petitioner(s):

Mr.M.Pozhilan

For Respondent:

Ms.Sudharani, for Ms.Vijayakumari Natarajan



ORDER

This Criminal Miscellaneous Petition has been filed to relax the condition imposed upon the petitioner in CrI.M.P.(MD) No.10275 of 2025 in CrI.R.C.(MD) No.980 of 2025, dated 25.08.2025.

2.Heard Mr.M.Pozhilan, learned counsel for the petitioner and Ms.M.Sudharani, learned counsel for Ms.Vijayakumari Natarajan, learned counsel for the respondent.

3.The facts of the case, in a nutshell, which led to filing of the Criminal Revision Case bearing CrI.R.C.(MD) No.980 of 2025, are as follows:-

i) The petitioner borrowed a sum of Rs.6,00,000/- from the respondent on 25.04.2003 and had given cheque bearing No.710872, dated 12.06.2003 for an amount of Rs.6,00,000/-. When the respondent has presented the cheque for collection, the same was returned with reason “insufficient funds” on 13.06.2003. Therefore, the respondent has sent legal notice on 14.06.2003 to the petitioner, demanding repayment of the amount covered by the cheque. On knowing the same, the petitioner did not receive the notice. 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.249 of 2003 for the alleged offence punishable under Section 138 of



Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year and also directed to pay a compensation of Rs.6,00,000/- in default, to undergo Simple Imprisonment for a period of three months. Challenging the above said conviction and sentence, the petitioner has filed an appeal in CrI.A.No.56 of 2018 on the file of the learned Principal Sessions Judge, Thoothukudi and the learned Principal 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.980 of 2025 along with a Miscellaneous Petition bearing CrI.M.P.No.10275 of 2025 seeking suspension of sentence.

4.The Co-ordinate Bench of this Court, while admitting the Criminal Revision Case, vide order dated 25.08.2025, had ordered suspension of sentence in CrI.M.P.(MD) No.10275 of 2025 in CrI.R.C.(MD) No.980 of 2025, with the following directions:-

“(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 learned Judicial Magistrate, Tiruchendur;

(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 learned Judicial Magistrate, Tiruchendur, on all working days at 10.30 a.m., until further orders. ”



5. Today, when the matter is being taken up, Mr.M.Pozhilan, learned counsel for the petitioner submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD) No.10275 of 2025 in Crl.R.C.(MD) No.980 of 2025, dated 25.08.2025, without fail. It was further submitted that due to the aforesaid condition, the petitioner is not in a position to go to the work regularly. Thus, the learned counsel for the petitioner prays this Court that the condition No.(iii) of the order dated 25.08.2025 passed in Crl.M.P.(MD) No.10275 of 2025 in Crl.R.C.(MD) No.980 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the Judicial Magistrate Court, Tiruchendur, once in a month.

6. Ms.M.Sudharani, learned counsel for Ms.Vijayakumari Natarajan, learned counsel for the respondent submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD) No.10275 of 2025 in Crl.R.C.(MD) No.980 of 2025, dated 25.08.2025 regularly. However, she submits that the conditions imposed in Crl.M.P.(MD) No.10275 of 2025 in Crl.R.C.(MD) No.980 of 2025, dated 25.08.2025, are justified and made objection for relaxing the condition No.(iii) of the order dated 25.08.2025.

7. 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 Crl.M.P.(MD) No.10275 of 2025 in Crl.R.C.(MD) No.980 of 2025, dated 25.08.2025 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 25.08.2025, this Court is inclined to relax the condition No.(iii) of the order dated 25.08.2025 passed in Crl.M.P. (MD) No.10275 of 2025 in Crl.R.C.(MD) No.980 of 2025 as follows:-

“The petitioner shall appear before the Judicial Magistrate Court, Tiruchendur, once in a month commencing 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.10275 of 2025 in Crl.R.C. (MD) No.980 of 2025, dated 25.08.2025 are unaltered.

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

15-10-2025

mm

To

1.The Principal Sessions Judge, Thoothukudi

2.The Judicial Magistrate, Tiruchendur



WEB COPY



SHAMIM A

mm

CRL MP(MD) NO. 14546 of 2025
in

Crl.R.C.(MD) No.980 of 2025

15.10.2025