

CRL RC(MD) NO. 1322 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-10-2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL RC(MD) NO. 1322 of 2025

Solai Radha

W/o. Pandi, No.4-17/2D, Aunachalam Ambalam Street,
Kottaiyur, Karaikudi Taluk, Sivagangai District.

Petitioner(s)

Vs

Kalyani

W/o. Ramalingam, No.3276, 2nd Street, Karpagavinayagar nagar,
Karaikudi, Sivagangai District.

Respondent(s)

Prayer: To call for the records set aside the order passed by the Learned Principal Sessions Judge, Sivagangai in CrI.M.P. No. 2403 of 2025 in C.A. No. 66 of 2025 dated 06.10.2025 and modify the condition to deposit 20% of the cheque amount.

For Petitioner(s):

Mr.P.Aju Tagore

ORDER

This Criminal Revision Case is filed with the following prayer:-

“to call for the records set aside the order passed by the learned Principal Sessions Judge, Sivagangai in Cr.M.P.No.2403 of 2025 in C.A.No. 60 of 2025 dated 06.10.2025 and modify the condition to deposit 20% of the cheque amount.”



2. Heard Mr.P.Aju Tagore, learned counsel for the petitioner.

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

i) The petitioner borrowed a sum of Rs.15,00,000/- from the respondent agreeing to repay the same and had given a cheque, dated 21.05.2022 to the respondent. When the respondent had presented the cheque for collection on 21.07.2022, the same was dishonoured. Therefore, the respondent had sent a legal notice to the petitioner, demanding repayment of the aforesaid amount and despite receiving the same, the petitioner neither sent a reply nor repaid the said amount. Therefore, the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act, 1881, against the petitioner.

ii) The learned Judicial Magistrate, Fast Track Mahila Court, Karaikudi, after trial, had convicted the petitioner in C.C.No.132 of 2022 for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 and sentenced her to undergo simple imprisonment for a period of six months and also directed to pay compensation of Rs. 15,00,000/-, 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

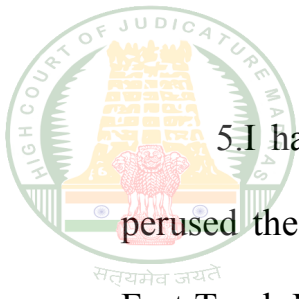


C.A.No.66 of 2025 before the Principal Sessions Court, Sivagangai. The learned Principal Sessions Judge, Sivagangai, vide order dated 11.09.2025 in CrI.M.P.(MD) No.2258 of 2025 in C.A.No.66 of 2025, while granting suspension of sentence, had passed the following order:-

“In the result, this petition is allowed and the sentence imposed on the petitioner is suspended by granting bail and the petitioner shall execute a bond for Rs.10,000/- with two sureties each for the like sum to the satisfaction of the Judicial Magistrate, Fast Track Mahila Court, Karaikudi and with a further condition that the petitioner shall deposit 20% of the cheque amount within 30 days from the date of this order.”

Seeking to modify the condition imposed upon the petitioner in CrI.M.P.(MD) No. 2258 of 2025 in C.A.No.66 of 2025, dated 11.09.2025, directing her to deposit 20% of the cheque amount within 30 days, the petitioner has filed a petition in Cr.M.P.No.2403 of 2025 before the Principal Sessions Court, Sivagangai, which was dismissed on 06.10.2025. Challenging the same, the present Criminal Revision Case has been filed.

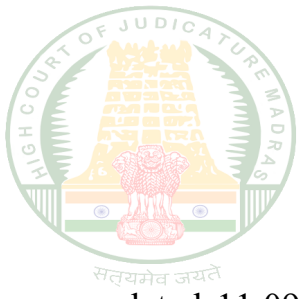
4.Mr.P.Aju Tagore, learned Counsel for the petitioner submitted that without considering the facts and circumstances of the case and the relevant materials available on record, the learned Principal Sessions Judge, Sivagangai, has imposed the said condition upon the petitioner, which is not in accordance with law. Thus, it was prayed by the learned Counsel for the petitioner that the condition imposed by the learned Principal Sessions Judge, Sivagangai, directing the petitioner to deposit 20% of the cheque amount within 30 days, may be modified.



5.I have considered the submission of the learned counsel for the petitioner and perused the order passed in C.C.No.132 of 2022 on the file of the Judicial Magistrate, Fast Track Mahila Court, Karaikudi, dated 25.08.2025, the order passed in CrI.M.P.(MD) No.2258 of 2025 in C.A.No.66 of 2025 on the file of Principal Sessions Court, Sivagangai, dated 11.09.2025 and the order passed in Cr.M.P.No.2403 of 2025 in C.A.No.66 of 2025 on the file of the Principal Sessions Court, Sivagangai, dated 06.10.2025 and also perused the record.

6.From the perusal of the order passed in Cr.M.P.No.2403 of 2025 in C.A.No.66 of 2025 on the file of the Principal Sessions Court, Sivagangai, dated 11.09.2025, the sentence imposed on the petitioner was suspended with the condition that the petitioner will deposit 20% of the cheque amount before the trial Court within 30 days. However, the aforesaid condition was not complied by the petitioner and she further filed a modification petition in Cr.M.P.No.2403 of 2025, which was dismissed vide order, dated 06.10.2025. Now, the learned Counsel for the petitioner prays this Court that the said condition imposed upon the petitioner to deposit 20% of the cheque amount within 30 days before the trial Court may be quashed, whereas, no satisfactory reason has been given by the petitioner for quashing the above order, she is simply buying the time not to pay any amount to the respondent, which is not acceptable to the Court and also not justified to interfere in this order.

7.Thus, this Court do not find any justification to modify the order of the learned Principal Sessions Judge, Sivagangai, in Cr.M.P.No.2258 of 2025 in C.A.No.66 of 2025



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dated 11.09.2025 and the order, dated 06.10.2025 and to entertain the present Criminal Revision Case, as the present Criminal Revision Case lacks merits and the first appellate Court has rightly dismissed the application filed by the petitioner in CrI.M.P.(MD) No. 2403 of 2025 in C.A.No.66 of 2025 vide order, dated 06.10.2025 seeking to modify the order passed in Cr.M.P.No.2258 of 2025 in C.A.No.66 of 2025 dated 11.09.2025, directing the petitioner to deposit 20% of the cheque amount within 30 days before the trial Court.

8. Accordingly, the Criminal Revision Case stands dismissed. The file is consigned to record. No costs.

9. At this juncture, Mr.P.Aju Tagore, learned counsel for the petitioner, prays this Court to grant some further time to the petitioner to make full compliance of the order passed by the learned Principal Sessions Judge, Sivagangai, in Cr.M.P.No.2258 of 2025 in C.A.No.66 of 2025 dated 11.09.2025 and to deposit 20% of the cheque amount before the trial Court.

10. Accordingly, as prayed for by the learned counsel for the petitioner, in the interest of justice, this Court grants 30 days further time from today to the petitioner to make full compliance of the order passed by the learned Principal Sessions Judge, Sivagangai, in Cr.M.P.No.2258 of 2025 in C.A.No.66 of 2025 dated 11.09.2025 and to deposit 20% of the cheque amount before the



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trial Court, without fail. It is made clear that if the petitioner fails to deposit 20% of the cheque amount before the trial Court within the time stipulated by this Court, the learned Principal Sessions Judge, Sivagangai, is directed to proceed against the petitioner in accordance with law to decide the appeal expeditiously.

14-10-2025

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To

- 1.The Principal Sessions Judge, Sivagangai
2. Judicial Magistrate, Fast Track Mahila Court, Karaikudi.



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SHAMIM AHMED, J.

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