



Crl.M.P.(MD) No.15206 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.10.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P(MD)No.15206 of 2025
in
CRL.R.C.(MD)No.1140 of 2025

Kathiresan,
S/o. Palaniswami,
Cumbum Municipal Office,
Cumbum, Uthamapalayam Taluk,
Theni District.

... Petitioner

vs.

Krishnamoorthy,
S/o. Rengasamy,
Ward 12, D.No.58,
Bommachiamma Kovil Street,
Gudalur, Uthamapalayam Taluk,
Theni District.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to relax the condition imposed to appear before the trial Court on all working days at 10.30 a.m., until further orders in Crl.M.P. (MD)No.11229 of 2025 in Crl.R.C.(MD)No.1140 of 2025, dated 22.08.2025.

For Petitioner :Mr.A.Sekar

For Respondent :No appearance



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ORDER

This Criminal Miscellaneous Petition has been filed to relax the condition imposed upon the petitioner in Crl.M.P.(MD) No.11229 of 2025 in Crl.R.C.(MD) No.1140 of 2025, dated 22.08.2025.

2.Heard Mr.A.Sekar, learned counsel for the petitioner and Mr.B.Thamgamani, learned counsel for the respondent is not present before this Court today.

3.The facts of the case, in a nutshell, which led to filing of the Criminal Revision Case bearing Crl.R.C.(MD) No.1140 of 2025, are as follows:-

i) The petitioner borrowed a sum of Rs.3,00,000/- from the respondent on 13.12.2020 and had given cheque bearing No.118635 of the Indian Overseas Bank, Cumbum Branch, dated 27.12.2020. When the respondent has presented the cheque for collection, the same was returned with reason “insufficient funds” on 05.02.2021. Therefore, the respondent has sent legal notice on 17.02.2021 to the petitioner,



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demanding repayment of the amount covered by the cheque and despite receiving the same, neither the petitioner sent a reply to the legal notice nor repaid the said 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.39 of 2021 for the alleged offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for a period of one year and also directed to pay a compensation of Rs.3,00,000/- 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 Crl.A.No.81 of 2021 on the file of the learned Principal Sessions Judge, Theni, and the learned Principal Sessions Judge, Theni, by confirming the conviction and sentence, dismissed the appeal. Challenging the same, the petitioner has preferred the Criminal Revision Case bearing Crl.R.C.(MD) No.1140 of 2025 along with a Miscellaneous Petition bearing Crl.M.P.No.11229 of 2025 seeking suspension of sentence.



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4.The Co-ordinate Bench of this Court, while admitting the Criminal Revision Case, vide order dated 22.08.2025, had ordered suspension of sentence in Crl.M.P.(MD) No.11229 of 2025 in Crl.R.C. (MD) No.1140 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 Judicial Magistrate (Fast Track) Uthamapalayam;

(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.A.Sekar, learned counsel for the petitioner submits that the petitioner has been complying



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with the conditions imposed in Crl.M.P.(MD) No.11229 of 2025 in Crl.R.C.(MD) No.1140 of 2025, dated 22.08.2025, 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 22.08.2025 passed in Crl.M.P.(MD) No.11229 of 2025 in Crl.R.C.(MD) No.1140 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the learned Judicial Magistrate, (Fast Track Court), Uthamapalayam, 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.11229 of 2025 in Crl.R.C.(MD) No.1140 of 2025, dated 22.08.2025 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 22.08.2025, this Court is inclined to relax the condition No.(iii) of the order dated 22.08.2025 passed in Crl.M.P.(MD) No.11229 of 2025 in Crl.R.C.(MD) No.1140 of 2025 as follows:-



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“The petitioner shall appear before the learned Judicial Magistrate, (Fast Track Court), Uthamapalayam, 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.11229 of 2025 in Crl.R.C.(MD) No.1140 of 2025, dated 22.08.2025 are unaltered.

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

30.10.2025

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To

1.Principal District and Sessions Judge, Theni.

2.The Judicial Magistrate, (Fast Track Court), Uthamapalayam.

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SHAMIM AHMED, J.

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