



CRL.M.P.(MD)No.15121 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 31.10.2025

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL.M.P.(MD)No.15121 of 2025

in

CRL.M.P.(MD)No.11246 of 2025

in

CRL.R.C.(MD)No.1146 of 2025

Kathiresan,
S/o.Palaniswami,
W-29, Ranger Office Road,
Cumbum, Uttamapalayam Taluk,
Theni District.

... Petitioner

vs.

Kaliyarathinam,
S/o.Mookkan,
D.No.56, Mahatma Gandhi 2nd Street,
Maninagaram, Cumbum,
Uttamapalayam 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 am., until further orders in Crl.M.P. (MD)No.11246 of 2025 in Crl.R.C.(MD)No.1146 of 2025, dated 22.08.2025.

For Petitioner :Mr.A.Sekar
For Respondent :Mr.S.Alagusundar



CRL.M.P.(MD)No.15121 of 2025

WEB COPY

ORDER

This Criminal Miscellaneous Petition is filed to relax the condition in Paragraph No.7(iii) imposed by the Co-ordinate Bench of this Court in Crl.M.P.(MD)No.11246 of 2025 in Crl.R.C.(MD)No.1146 of 2025, dated 22.08.2025.

2.Heard Mr.A.Sekar, learned Counsel for the petitioner and Mr.S.Alagusundar, learned Counsel for the respondent.

3.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.11246 of 2025 in Crl.R.C.(MD)No.1146 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 Judicial Magistrate (Fast Track) Uthamapalayam;

(ii) The sureties shall affix their photographs and Left



CRL.M.P.(MD)No.15121 of 2025

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.”

4.Today, when the matter is being taken up, Mr.A.Sekar, learned Counsel for the petitioner submits that in compliance of the order passed by the learned Principal District and Sessions Judge, Theni, in C.A.No. 78 of 2022, dated 25.06.2025, the petitioner has deposited 15% of the compensation amount ie., a sum of Rs.45,000/- to the credit of S.T.C.No. 4 of 2021 on the file of the Judicial Magistrate (Fast Track Court) Uthamapalayam. In this regard, he has produced a copy of the deposit receipt before this Court, which is taken on record. It was further submitted that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No.11246 of 2025 in Crl.R.C.(MD)No.1146 of 2025, dated 22.08.2025, without fail. However, due to the aforesaid



CRL.M.P.(MD)No.15121 of 2025

condition in paragraph no.7(iii), 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 in Paragraph No.7(iii) of the order, dated 22.08.2025 passed in Crl.M.P.(MD)No.11246 of 2025 in Crl.R.C.(MD)No.1146 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.

5.Mr.S.Alagusundar, learned Counsel for the respondent fairly submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No.11246 of 2025 in Crl.R.C.(MD) No.1146 of 2025, dated 22.08.2025 regularly. However, he submits that the conditions imposed in Crl.M.P.(MD)No.11246 of 2025 in Crl.R.C.(MD)No.1146 of 2025, dated 22.08.2025, are justified and made objection for relaxing the condition in Paragraph No.7(iii) of the order dated 22.08.2025. It was further submitted that the respondent may be permitted to withdraw the amount of Rs.45,000/-, which was already deposited by the petitioner before the trial Court.



CRL.M.P.(MD)No.15121 of 2025

WEB COPY

6. 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.11246 of 2025 in Crl.R.C.(MD)No.1146 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 in Paragraph No.7(iii) of the order, dated 22.08.2025, this Court is inclined to relax the condition in Paragraph No. 7(iii) of the order, dated 22.08.2025, passed in Crl.M.P.(MD)No.11246 of 2025 in Crl.R.C.(MD)No.1146 of 2025, as follows:-

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

7. Rest of the conditions imposed in Crl.M.P.(MD)No.11246 of 2025 in Crl.R.C.(MD)No.1146 of 2025, dated 22.08.2025, are unaltered.



CRL.M.P.(MD)No.15121 of 2025

8.The respondent is also permitted to file an application before the trial Court for withdrawal of Rs.45,000/-, which was already deposited by the petitioner before the trial Court, within ten 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 ten days thereafter.

9.With the above modification and direction, this Criminal Miscellaneous Petition is finally disposed of.

31.10.2025

cmr

To

- 1.The Principal District and Sessions Judge, Theni.
- 2.The Judicial Magistrate (Fast Track Court) Uthamapalayam.



WEB COPY



CRL.M.P.(MD)No.15121 of 2025

SHAMIM AHMED, J.

cmr

CRL.M.P.(MD)No.15121 of 2025
in
CRL.M.P.(MD)No.11246 of 2025
in
CRL.R.C.(MD)No.1146 of 2025

31.10.2025