



CRL.M.P.(MD)No.15897 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.10.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.15897 of 2025

in

CRL.R.C.(MD)No.1335 of 2023

K.Tamilselvi,
W/o.Thangavel,
27/2, G.M. Apartment,
Kong Nagar, Sathiyamangalam
Erode District - 638 401.

... Petitioner

vs.

G.Madhivanan,
S/o.Ganesha Moorthy,
16/99A, Velliyanai,
Velliyanagi South Village,
Karur Taluk and District.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to relax the condition imposed on the petitioner by this Court by its order, dated 05.12.2023 in Crl.M.P.(MD)No.17063 of 2023 in Crl.R.C.(MD)No.1335 of 2023.

For Petitioner :Mr.K.Chengizkhan



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to relax the condition imposed on the petitioner by the Co-ordinate Bench of this Court in Crl.M.P.(MD)No.17063 of 2023 in Crl.R.C.(MD)No.1335 of 2023, dated 05.12.2023.

2.The Criminal Revision Case has been filed by the petitioner to set aside the judgment passed by the learned Principal District Judge, Karur in Crl.A.No.61 of 2022 vide judgment, dated 29.03.2023, confirming the judgment of conviction and sentence dated 22.03.2022 passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Karur in C.C.No.918 of 2017, by which the petitioner was convicted under Section 138 of Negotiable Instrument Act, 1881 and sentenced to undergo simple imprisonment for a period of two years and to pay a sum of Rs.5,00,000/- towards compensation to the complainant.

3.Heard Mr.K.Chengizkhan, learned Counsel for the petitioner.



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4.The Co-ordinate Bench of this Court, while admitting the Criminal Revision Case, vide order, dated 05.12.2023, had ordered suspension of sentence in Crl.M.P(MD)No.17063 of 2023 in Crl.R.C(MD)No.1335 of 2023, with the following directions:-

“7.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:

(i)The petitioner shall deposit 20% of the Cheque amount/ compensation amount to the credit of S.TC.No.918 of 2017 on the file of the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur, within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall automatically dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii)On such deposit, 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, Fast Track Court at Magistrate Level, Karur.

(iii)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;

(iv) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(v) On such deposit, the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Karur; shall re-deposit the said sum in a Nationalised Bank, so that the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in Crl.R.C.No.1335 of 2023.”



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5.Today, when the matter is being taken up, Mr.K.Chengizkhan, learned Counsel for the petitioner submits that the petitioner has been duly complying with the conditions imposed in Crl.M.P(MD)No.17063 of 2023 in Crl.R.C(MD)No.1335 of 2023, dated 05.12.2023, without fail. He further submits that the petitioner, a 53-year-old man, is facing hardship in managing his day-to-day life and is also suffering from old age ailments. Therefore, the learned Counsel prays that this Court may be pleased to relax condition in Paragraph No.7(iv) of the order, dated 05.12.2023 passed in Crl.M.P(MD)No.17063 of 2023 in Crl.R.C(MD)No.1335 of 2023, wherein the Co-ordinate Bench of this Court, had directed the petitioner to appear before the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Karur, once in a month ie., on the 1st working day of every English calendar month at 10.30 a.m., until further orders.

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.17063 of 2023 in



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Crl.R.C(MD)No.1335 of 2023, dated 05.12.2023, this Court is not inclined to relax the condition in Paragraph No.7(iv) of the aforementioned order dated 05.12.2023, as this Court does not find any ground to interfere with the conditions imposed by the Co-ordinate Bench of this Court. Since the petitioner's presence is required only once in a month, this Court is not inclined to entertain this petition at present.

7.Accordingly, this Criminal Miscellaneous Petition is **dismissed**.

File is consigned to record. No order as to costs.

31.10.2025

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To

- 1.The Principal District Judge, Karur.
- 2.The Judicial Magistrate, Fast Track Court at Magisterial Level, Karur.



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SHAMIM AHMED, J.

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