



CRL.M.P.(MD)No.17494 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.17494 of 2025

in

CrI.R.C.(MD) No.147 of 2025

Keshavram,
D/o. Ganesan,
195, Imayam Colony,
West Extension, Anna Nagar
Chennai- 600 001.

... Petitioner

VS.

Swaminathan,
S/o.Venkatachalam,
25, K.K.Ilam, Sekkilar Street
Karaikudi, Sivagangai District.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to relax the condition imposed in CrI.M.P(MD).NO.1550 of 2025 in CrI.R.C.(MD).147 of 2025 dated 04.02.2025.

For Petitioner :Mr.B.A.Muruganantham

For Respondent :Ms.Nivethitha
for Mr.N.Mohideen Basha



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner to relax the condition in Paragraph No.7(iv) of the order, dated 04.02.2025 passed in CrI.M.P(MD)No.1550 of 2025 in CrI.R.C(MD)No. 147 of 2025 imposed on the petitioner by the Co-ordinate Bench of this Court, by which, the petitioner was directed to appear before the trial Court, once in a month ie., on the 1st working day of every English calendar month at 10.30 a.m., until further orders.

2.The Criminal Revision Case has been filed by the petitioner to set aside the judgment passed in C.A.No.85 of 2016, dated 27.08.2024, on the file of the Fast Track Mahila Court, Sivagangai, confirming the judgment of conviction and sentence dated 13.10.2016 passed by the learned Judicial Magistrate, Fast Track Court, Karaikudi, in C.C.No.26 of 2013, by which, the petitioner was convicted under Section 138 of Negotiable Instrument Act, 1881 and sentenced to undergo simple imprisonment for a period of one year and to pay a sum of Rs.3,00,000/- towards compensation to the complainant, in default, to undergo simple imprisonment for a period of three months.



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3.Heard Mr.B.A.Muruganantham, learned Counsel for the petitioner and Ms.Nivethitha, learned counsel representing Mr.N.Mohideen Basha, learned counsel for the respondent.

4.The Co-ordinate Bench of this Court, while admitting the Criminal Revision Case, vide order, dated 04.02.2025, had ordered suspension of sentence in Crl.M.P(MD)No.1550 of 2025 in Crl.R.C(MD)No.147 of 2025, with the following directions:-

“(i) The petitioner shall deposit Rs.2,00,000/- (Rupees Two Lakhs only) on or before 04.03.2025 to the credit of C.C.No.26 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi, failing which the sentence suspended shall automatically dismissed and the concerned jurisdictional police 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 Judicial Magistrate, Fast Track Court, Karaikudi;

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial



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Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(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 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 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.B.A.Muruganantham, learned Counsel for the petitioner submits that the petitioner has been duly complying with the conditions imposed in CrI.M.P(MD)No.1550 of 2025 in CrI.R.C(MD)No.147 of 2025, dated 04.02.2025, without fail. He further submits that due to the aforesaid condition, the petitioner is not in a position to go to the work regularly. Therefore, the learned Counsel prays that this Court may be pleased to relax condition in Paragraph No.7(iv) of the order, dated 04.02.2025 passed in CrI.M.P(MD)No.1550 of 2025 in CrI.R.C(MD)No.147 of 2025, wherein the Co-ordinate Bench of this Court, had directed the petitioner to appear before the trial Court, once in a month i.e., on the 1st working day of every English calendar month at 10.30 a.m., until further orders.



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6. Ms.Nivethitha, learned counsel representing Mr.N.Mohideen Basha, learned counsel for the respondent submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD) No.1550 of 2025 in Crl.R.C.(MD) No.147 of 2025, dated 04.02.2025 and is regularly appearing before the trial Court. However, she submits that the conditions imposed in Crl.M.P.(MD) No.1550 of 2025 in Crl.R.C.(MD) No.147 of 2025, dated 04.02.2025, are justified and made objection for relaxing the same.

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.1550 of 2025 in Crl.R.C(MD)No.147 of 2025, dated 04.02.2025 and after perusal of the affidavit filed by the petitioner in support of the prayer made for relaxation of the condition in Paragraph No.7(iv) of the order dated 04.02.2025, this Court is not inclined to relax the condition in Paragraph No.7(iv) of the aforementioned order dated 04.02.2025, as this Court does not find any ground to interfere with the conditions imposed by the



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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.

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

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

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

25.11.2025

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To

The Judicial Magistrate, Fast Track Court, Karaikudi.



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SHAMIM AHMED, J.

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