



Crl.M.P.(MD) No.16834 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P(MD)No.16834 of 2025
in
CRL.R.C.(MD) No.949 of 2025

R. Saravanakumar
S/o.Raja
Eesha Transport
By Pass Junction Road
Periyakulam Road
Rathinam Nagar
Theni
Theni Taluk
Theni District.

... Petitioner

vs.

R.Chakravarthy
S/o.Rasu @ Sevvazhai Rasu
D No.326
Compost Oodaitheru
Behind Fire Station
Theni Town
Theni Taluk
Theni District.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to relax the conditions imposed upon the petitioner in the order dated 22.08.2025 made in Crl.MP(MD)No.9987/2025 in Crl.RC(MD)No.949/2025 pending on the file of this Court.



Crl.M.P.(MD) No.16834 of 2025

For Petitioner :Mr.S.Shanmugam
For Respondent :Mr.C.Jeganathan

ORDER

This Criminal Miscellaneous Petition has been filed to relax the condition imposed upon the petitioner in paragraph No.7(iii) of the order made in Crl.M.P.(MD) No.9987 of 2025 in Crl.R.C.(MD) No.949 of 2025, dated 22.08.2025.

2.The Criminal Revision Case has been filed by the petitioner to set aside the judgment passed by the learned Principal Sessions Judge, Theni, in C.A.No.49 of 2022, dated 19.03.2025, confirming the judgment of conviction and sentence dated 22.04.2022 passed by the learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Theni, in S.T.C.No.37 of 2021, by which, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a sum of Rs.3,00,000/- towards compensation with interest at the rate of 9% per annum from the date of dishonour to the complainant within two months, in default, to undergo simple imprisonment for a period of one month.



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3.Heard Mr.R.Shanmugam, learned counsel for the petitioner and Mr.C.Jeganathan, learned counsel for the respondent.

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.9987 of 2025 in Crl.R.C(MD)No.949 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 Court, (M.L), Theni.

(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.”



Crl.M.P.(MD) No.16834 of 2025

5.Today, when the matter is being taken up, Mr.S.Shanmugam, learned Counsel for the petitioner submits that the petitioner has been duly complying with the conditions imposed in Crl.M.P(MD)No.9987 of 2025 in Crl.R.C(MD)No.949 of 2025, dated 22.08.2025, without fail. It was further submitted that the petitioner is the only breadwinner of his family and 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(iii) of the order, dated 22.08.2025 passed in Crl.M.P(MD)No.9987 of 2025 in Crl.R.C(MD)No.949 of 2025, wherein the Co-ordinate Bench of this Court, had directed the petitioner to appear before the learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Theni, on all working days at 10.30 a.m., until further orders, and to direct the petitioner 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.

6.Mr.C.Jeganathan, learned counsel for the respondent submits that the petitioner has been complying with the conditions imposed in Crl.M.P.(MD) No.9987 of 2025 in Crl.R.C.(MD) No.949 of 2025, dated



Crl.M.P.(MD) No.16834 of 2025

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22.08.2025 and is regularly appearing before the learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Theni. However, he submits that the conditions imposed in Crl.M.P.(MD) No.9987 of 2025 in Crl.R.C.(MD) No.949 of 2025, dated 22.08.2025, are justified and made objection for relaxing the same.

7. 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.9987 of 2025 in Crl.R.C.(MD) No.949 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 the 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.9987 of 2025 in Crl.R.C.(MD) No.949 of 2025 as follows:-

“The petitioner shall appear before the learned Judicial Magistrate, Fast Track Court, (Magisterial Level), Theni, once in a month commencing from December, 2025., ie., on the first



Crl.M.P.(MD) No.16834 of 2025

working day of Every English Calendar month at 10.30 a.m.,

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Rest of the conditions imposed in Crl.M.P.(MD) No.9987 of 2025
in Crl.R.C.(MD) No.949 of 2025, dated 22.08.2025 are unaltered.

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

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

13.11.2025

mm

To

1.The Principal Sessions Judge, Theni.

2.The Judicial Magistrate, Fast Track Court, (Magisterial Level), Theni.



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Crl.M.P.(MD) No.16834 of 2025

SHAMIM AHMED, J.

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CRL.M.P(MD)No.16834 of 2025
in
CRL.R.C.(MD)No.949 of 2025

13.11.2025