



CRL.M.P.(MD)No.16943 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.16943 of 2025

in

CRL.R.C.(MD)No.45 of 2023

Balamurugan,
S/o.Kalimuthu Gounder,
No.10, Chellaya Devar Street,
North Devathanam, Rajapalayam Taluk,
Virudhunagar District.

... Petitioner

vs.

The State of Tamilnadu,
represented by The Sub Inspector of Police,
Seithur Police Station,
Virudhunagar District.
(Crime No.54 of 2011)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to relax the condition totally imposed in Crl.M.P.(MD)No. 659 of 2023 in Crl.R.C.(MD)No.45 of 2023 dated 11.01.2023.

For Petitioner	:Mr.R.Karunanidhi
For Respondent	:Mr.M.Karunanithi
	Government Advocate (Crl.side)



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CRL.M.P.(MD)No.16943 of 2025

ORDER

This Criminal Miscellaneous Petition is filed to relax the condition in Paragraph No.6 imposed by the Co-ordinate Bench of this Court in Crl.M.P.(MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023, dated 11.01.2023, by which, the petitioner was directed to appear before the trial Court once in a week, ie., on the first working day of every week at 10.30 a.m.

2.The Criminal Revision Case has been filed to set aside the judgment and order passed by the learned Additional District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.A.No.78 of 2017, dated 22.08.2022, partly allowing the judgment and order passed by the learned Judicial Magistrate, Rajapalayam in C.C.No.280 of 2011, dated 11.05.2017.

3.Heard Mr.R.Karunanidhi, learned Counsel for the petitioner and Mr.M.Karunanidhi, learned Government Advocate (Crl.side) for the respondent.



CRL.M.P.(MD)No.16943 of 2025

WEB COPY

4.The short facts of the case, which are necessary for disposal of the present Criminal Miscellaneous Petition, are as follows:-

a) Due to the wordy quarrel arose between the de-facto complainant and the accused, the accused persons have abused and attacked the de-facto complainant with sickle and also criminally intimidated him. Hence, on the complaint given by the de-facto complainant, the respondent Police had registered an FIR in Cr.No.154 of 2011 and after completion of investigation, the respondent Police has filed a final report before the Judicial Magistrate Court, Rajapalayam.

b)The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment in C.C.No.280 of 2011, dated 11.05.2017, convicting the Revision Petitioner for the offences under Sections 324 and 506(2) IPC, and sentenced him to undergo six months simple imprisonment and to pay a fine of Rs.2,000/- for the offence under Section 324 IPC and further sentenced him to undergo six months simple imprisonment for the offence under Section 506(2) IPC. Challenging the above said conviction and sentence, the Revision Petitioner has filed an appeal in CrI.A.No.78



CRL.M.P.(MD)No.16943 of 2025

of 2017 on the file of the Additional District and Sessions Court, Virudhunagar at Srivilliputhur and the learned Additional District and Sessions Judge, Virudhunagar at Srivilliputhur, partly allowed the appeal, vide judgment, dated 22.08.2022, by reducing the sentence from six months to three months for both the offences. Aggrieved by the same, the Revision Petitioner has preferred the above Criminal Revision Case.

5.The Co-ordinate Bench of this Court, vide order, dated 11.01.2023, had ordered suspension of sentence in Crl.M.P.(MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023, with the following directions:-

“5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision and the petitioner is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Rajapalayam, and on further condition that the petitioner shall appear before the concerned Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending revision.”



CRL.M.P.(MD)No.16943 of 2025

WEB COPY

6.Today, when the matter is being taken up, Mr.R.Karunanidhi, learned Counsel for the Revision Petitioner submits that the Revision Petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023, dated 11.01.2023, without fail. It was further submitted that due to the aforesaid condition, the Revision Petitioner is not able to attend his regular work and he is the sole breadwinner of his family and he is also suffering from age related ailments. Thus, the learned Counsel for the Revision Petitioner prays this Court that the condition imposed by the Co-ordinate Bench of this Court, vide order, dated 11.01.2023 passed in Crl.M.P.(MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023 imposed on the Revision Petitioner may be relaxed and the Revision Petitioner may be directed to appear before the trial Court once in a month.

7.Mr.M.Karunanithi, learned Government Advocate (Crl.side) for the respondent fairly submits that the Revision Petitioner has been complying with the conditions imposed in Crl.M.P.(MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023, dated 11.01.2023 regularly. However,



CRL.M.P.(MD)No.16943 of 2025

he submits that the conditions imposed in Crl.M.P.(MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023, dated 11.01.2023, are justified and made objection for relaxing the condition imposed vide order, dated 11.01.2023.

8. Accordingly, after considering the arguments as advanced by the learned Counsel for the Revision Petitioner and after perusal of the order passed by the Co-ordinate Bench of this Court in Crl.M.P.(MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023, dated 11.01.2023 and after perusal of the affidavit filed by the Revision Petitioner in support of the prayer made for relaxation of condition imposed upon the petitioner vide order, dated 11.01.2023, by which, the Revision Petitioner was directed to appear before the trial Court once in a week i.e., on the first working day of every week at 10.30 a.m., this Court is inclined to relax the condition imposed vide order, dated 11.01.2023, passed in Crl.M.P. (MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023, as follows:-

“The Revision Petitioner shall appear before the Judicial Magistrate Court, Rajapalayam, once in a month with effect from December, 2025, ie., on the first working day of Every



CRL.M.P.(MD)No.16943 of 2025

English Calendar month at 10.30 a.m., until further orders.”

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9.Rest of the conditions imposed in Crl.M.P.(MD)No.659 of 2023 in Crl.R.C.(MD)No.45 of 2023, dated 11.01.2023, are unaltered.

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

19.11.2025

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To

1.The Additional District and Sessions Judge,
Virudhunagar District at Srivilliputhur.

2.The Judicial Magistrate, Rajapalayam.



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CRL.M.P.(MD)No.16943 of 2025

SHAMIM AHMED, J.

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CRL.M.P.(MD)No.16943 of 2025

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