



CRL.M.P.(MD)No.17712 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.11.2025

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CRL.M.P.(MD)No.17712 of 2025

in

CRL.R.C.(MD)No.745 of 2025

S.Nagaraj,
S/o.Sankar,
Kulalarpalayam,
Bodinayakkanur, Theni District.

... Petitioner

vs.

S.Harun,
S/o.Sait,
Vennimalai Street,
Subburaj Nagar,
Bodinayakkanur, Theni District.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to relax the condition imposed by this Court in Crl.M.P. (MD)No.8088 of 2025 in Crl.R.C.(MD)No.745 of 2025, dated 10.07.2025.

For Petitioner :Mr.H.Velavadhas
For Respondent :Mr.S.Veerapandiselvaraj



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ORDER

This Criminal Miscellaneous Petition is filed to relax the condition imposed by this Court in Crl.M.P.(MD)No.8088 of 2025 in Crl.R.C.(MD)No.745 of 2025, dated 10.07.2025.

2.Heard Mr.H.Velavadhas, learned Counsel for the petitioner and Mr.S.Veerapandiselvaraj, learned Counsel for the respondent.

3.The Co-ordinate Bench of this Court, vide order, dated 10.07.2025, had ordered suspension of sentence in Crl.M.P.(MD)No. 8088 of 2025 in Crl.R.C.(MD)No.745 of 2025, 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 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 (FTC Magisterial Level) Theni;

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



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

(iii) The petitioner shall appear before the learned Judicial Magistrate (FTC Magisterial Level) Theni, on all working days at 10.30 a.m., until further orders.

(iv) The learned Judicial Magistrate (FTC Magisterial Level) Theni; 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.(MD)No.745 of 2025.”

4.Today, when the matter is being taken up, Mr.H.Velavadhas, learned Counsel for the petitioner submits that the petitioner has been complying with all the conditions imposed in Crl.M.P.(MD)No.8088 of 2025 in Crl.R.C.(MD)No.745 of 2025, dated 10.07.2025, without fail. It was further submitted that the petitioner is not able to attend the Court regularly, as he is suffering with uric acid problem and other old age ailments. Thus, the learned Counsel for the petitioner prays this Court that the condition No.(iii) of Paragraph No.7 of the order dated 10.07.2025 passed in Crl.M.P.(MD)No.8088 of 2025 in Crl.R.C.(MD)No.745 of 2025 imposed on the petitioner may be relaxed and the petitioner may be directed to appear before the trial Court once in a



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month.

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5.Mr.S.Veerapandiselvaraj, learned Counsel for the respondent fairly submits that the petitioner has been complying with all the conditions imposed in Crl.M.P.(MD)No.8088 of 2025 in Crl.R.C.(MD)No.745 of 2025, dated 10.07.2025 regularly. However, he submits that the conditions imposed in Crl.M.P.(MD)No.8088 of 2025 in Crl.R.C.(MD)No.745 of 2025, dated 10.07.2025, are justified and made objection for relaxing the condition No.(iii) of paragraph No.7 of the order, dated 10.07.2025.

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.8088 of 2025 in Crl.R.C.(MD)No.745 of 2025, dated 10.07.2025 and after perusal of the affidavit filed by the petitioner in support of the prayer made for relaxation of condition No.(iii) of Paragraph No.7 of the order, dated 10.07.2025, this Court is inclined to relax the condition No.(iii) of paragraph No.7 of the order, dated 10.07.2025, passed in Crl.M.P.



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(MD)No.8088 of 2025 in CrI.R.C.(MD)No.745 of 2025, as follows:-

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“The petitioner shall appear before the learned Judicial Magistrate (FTC Magisterial Level), Theni, once in every month commencing from December, 2025, ie., on the first working day of English Calendar month at 10.30 a.m., until further orders.”

7. Rest of the conditions imposed in CrI.M.P.(MD)No.8088 of 2025 in CrI.R.C.(MD)No.745 of 2025, dated 10.07.2025, are unaltered.

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

21.11.2025

cmr

To

The Judicial Magistrate (FTC Magisterial Level), Theni.



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SHAMIM AHMED, J.

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