



Crl.O.P.(MD)No.23560 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.12.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.23560 of 2025

1.Daniel and Samuel Logistics Pvt. Ltd.,
Through its Director, T.Selvakumar.
2.T.Selvakumar
3.Sweetlin

... Petitioners

Vs.

Bala Enterprises,
Through its Proprietor,
S/o.Ponnaiah,
5/41, Caldwell Colony, 1st Street,
Thoothukudi District – 08.
Through his power agent,
N.Sankar Ganesh.

... Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the Impugned order in Crl.M.P. No. 1664 of 2023 in C.A. No. 48 of 2023 dt. 09.10.2025 on the file of the Principal District and Sessions Court, Thoothukudi District and Set aside the Docket order same as illegal.

For Petitioners : Mr.I.Pinaygash



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ORDER

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This criminal original petition has been filed challenging the docket order passed by the Principal District and Sessions Court, Thoothukudi District in Crl.M.P. No. 1664 of 2023 in C.A. No. 48 of 2023 dated 09.10.2025.

2. A case in CC No.233 of 2014 was filed by the respondent herein, against the petitioners under Section 138 of the Negotiable Instruments Act, 1881, before the Fast Track Court (Magisterial Level), Thoothukudi, ('Trial Court') and by judgment and decree dated 14.02.2023, the same culminated in convicting the petitioners and sentencing them to undergo one year simple imprisonment and also to pay a compensation of Rs.30,30,000/- to the respondent / complainant within a period of one month.

3. As against the said order, an appeal in Criminal Appeal No.48 of 2023 was filed by the petitioners before the Principal Sessions Judge, Thoothukudi ('Appellate Court') along with Crl.MP.No.1664 of 2023 seeking suspension of sentence imposed against the petitioners. The learned Appellate Court, while suspending the sentence, directed the petitioners herein to pay 20% of the compensation amount ie., Rs.6,06,000/- before the trial Court within one month from the date of the order.



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4. In the interregnum, the petitioners has filed a revision case in Crl.R.C. (MD)No.525 of 2023 before this Court seeking to set aside the said conditional order passed by the appellate Court, wherein this Court, vide order dated 18.05.2023, granted an order of interim stay modifying the compensation amount from Rs.6,06,000/- to Rs.4,00,000/-.

5. The learned counsel appearing for the petitioners submitted that due to the penury, since the petitioners were unable to comply with the orders of the Appellate Court as well as this Court and consequently, the suspension of the petitioners came to be dismissed on 09.10.2025. Now, the petitioners with much difficulty have arranged the said amount and sought the indulgence of this Court by permitting them to deposit the same before the Trial Court within the stipulated time period as fixed by this Court.

6. Heard the learned counsel appearing for the petitioners. Considering the nature of the order proposed to be passed in this petition, notice to the respondent is dispensed with.



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7. Considering the submission made by the petitioners that they have arranged the compensation amount as directed by the Criminal Appeal Court, the impugned order passed by the Principal District and Sessions Court, Thoothukudi District in Crl.M.P. No. 1664 of 2023 in C.A. No. 48 of 2023 dated 09.10.2025 is set aside and this criminal original petition is allowed on condition that the petitioners shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) before the trial Court, as per the order of this Court dated 18.05.2023, passed in Crl.R.C.(MD)No.525 of 2023, within a period of one week from today, failing which the impugned order shall stand revived.

19.12.2025

NCC : Yes / No
Index : Yes / No
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(1/2)

Note: Issue order copy on 19.12.2025.



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TO:-

1. The Fast Track Court (Magisterial Level), Thoothukudi.
2. The Principal District and Sessions Court, Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.23560 of 2025
(1/2)

Dated
19.12.2025