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Crl OP No.5119 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl OP No.5119 of 2026

Shanthi

... Petitioner

VS

1. Dhirendradhani

2.State Rep by
The Inspector of Police,
Aravankadu Police Station,
Coonoor, The Nilgiris.

3. The Superintendent,
Coimbatore Central Prison for Women,
Coimbatore.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the condition Nos.2 and 4 imposed in Crl MP No.777 of 2023 by the Hon'ble Sessions Division of the Nilgiris District Udhagamandalam, dated 25.07.2023.

For Petitioner : Mr.S.Shankar

For R2 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



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ORDER

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This criminal original petition is filed to set aside the condition Nos.2 and 4 imposed in Crl MP No.777 of 2023 by the Hon'ble Sessions Division of the Nilgiris District Udhagamandalam, dated 25.07.2023.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the second respondent.

3. It is seen that the petitioner / accused was convicted by the Trial Court in STC No.25 of 2017 under Section 138 NI Act by judgment dated 27.06.2023. The Trial Court sentenced the petitioner to undergo the sentence of simple imprisonment for the period of six months and to pay a fine of Rs.3,000/-. Aggrieved over the same, the petitioner has preferred the appeal before the Sessions Court in CA No.61 of 2023 and filed suspension of sentence in Crl MP No.777 of 2023. The lower appellate court admitted the appeal and suspended the sentence by an order dated 25.07.2023, in that condition no.2 extracted hereunder:

“(ii) that the Petitioner/Appellant/Accused should deposit a sum of Rs.2,00,000/- towards the part of compensation amount before the Fast Track, Judicial Magistrate, Coonoor, within two months from the date of this order on or before 25.09.2023.”



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4. The respondent / complainant had also filed a money suit for recovery in which some payments have been made. The petitioner was under the wrong impression since the payments are made in the civil suit, 138 NI Act will have no force. In view of the non deposit of Rs.2,00,000/- non bailable warrant issued and the petitioner was remanded on 16.12.2025. Now the petitioner is confined in Central Prison, Coimbatore. Further contention is that it is a bailable offence and the petitioner has got a good case in appeal. Further for the same instrument, money suit has been filed and has been decreed against the petitioner and some payments are also made. The petitioner is ready to settle the issue and she is a single lady now in prison once she comes out of the prison she would negotiate with the respondent and settle the issue. Today the petitioner is ready to deposit a sum of Rs.1,00,000/- to the credit of STC No.25 of 2017 on the file of the Fast Track, Judicial Magistrate Court, Coonoor. Considering the same, this Court modifies the condition No.2 and directed the petitioner to deposit a sum of Rs.1,00,000/- instead of Rs.2,00,000/-. The Trial Court in STC No.25 of 2017 to receive the same and deposit the



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same in the interest and thereafter to consider the sureties. On proof the same, the Trial Court to issue an order confirming the receipt of payment of compensation amount and thereafter issue appropriate orders to the Superintendent of Central Prison for Women, Coimbatore to release the petitioner from custody already executed bond would continue.

5. Accordingly, this Criminal Original Petition is disposed of. No costs.

06.03.2026

mtl

To

1.State Rep by
The Inspector of Police,
Aravankadu Police Station,
Coonoor, The Nilgiris.

2. The Superintendent,
Coimbatore Central Prison for Women,
Coimbatore.

3.The Public Prosecutor
High Court, Madras.

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M.NIRMAL KUMAR, J.

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