



Crl.O.P(MD)Nos.617 & 1403 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)Nos.617 &1403 of 2026

Crl.O.P(MD)No.1403 of 2026:

Arumugam

... Petitioner/Respondent/
Complainant

Vs.

1.The State of Tamil Nadu,
Rep.by The Superintendent of Police,
Thoothukudi City,
Thoothukudi District.

2.The Inspector of Police,
Thalamuthu Nagar Police Station,
Tuticorin District.

... Respondents

3.Krishnamoorthy

... Respondent/Petitioner/
Accused

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 1st and 2nd respondents to execute the conviction warrant which was received by the 2nd respondent dated 20.06.2023 on the file of the Fast Track Court (Magistrate Level), Thoothukudi, Thoothukudi District in C.C.No.134 of 2015 at the earliest.



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For Petitioner : Mr.Ka.Raamakrishnan
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)
For R3 : Mr.S.Vishnuvardhan

Crl.O.P(MD)No.617 of 2026:

A.Krishnamoorthy ... Petitioner/Petitioner/
Appellant

Vs.

S.Arumugam ... Respondent/Respondent/
Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order made in Crl.MP.No.358 of 2025 on the file of the learned Principal Sessions Judge, Thoothukudi dated 23.01.2025 and consequently extend the time limit granted in the above order to deposit 20 % of the cheque amount i.e. Rs.60,000/- (Rupees Sixty Thousand only) before the Fast Track Court (Magisterial Level), Thoothukudi.

For Petitioner : Mr.S.Vishnuvardhan

COMMON ORDER

Seeking a direction to the respondents 1 and 2 to execute the conviction warrant which has been received by the 2nd respondent from



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the Fast Track Court (Magistrate Level), Thoothukudi, Thoothukudi District in C.C.No.134 of 2015, Crl.O.P(MD)No.1403 of 2026 is filed.

2. For the sake of convenience, the parties are referred to as per the rank in Crl.O.P(MD)No.1403 of 2026.

3. The learned counsel for the petitioner submitted that already the case filed under Section 138 of Negotiable Instrument Act in C.C.No.134 of 2015 before the Fast Track Court (Magistrate Level), Thoothukudi has ended in conviction and the conviction warrant has also been received by the 2nd respondent from the learned trial Court on 20.06.2023. However, without executing the conviction warrant, the 2nd respondent remains idle. Hence, Crl.O.P(MD)No.1403 of 2026 is filed.

4. The learned counsel for the 3rd respondent submitted that already a criminal appeal in Crl.A.No.35 of 2025 has been preferred by the 3rd respondent before the Principal Sessions Judge, Thoothukudi and Crl.M.P.No.358 of 2025 has also been filed seeking suspension of



sentence, in which, by an order dated 23.01.2025, the petitioner was directed to deposit 20% of the cheque amount on or before 24.02.2025. However, the 3rd respondent was not able to pay the said amount within the stipulated time. Seeking to set aside the aforesaid order and to extend the time limit to deposit the said amount, Crl.O.P(MD)No.617 of 2026 is filed.

5. Heard the learned counsels on either side and carefully perused the materials available on record.

6. In view of the submission of the learned counsel for the 3rd respondent, the 3rd respondent is directed to deposit 20% of the cheque amount to the credit of C.C.No.134 of 2015 on the file of the Fast Track Court (Magistrate Level), Thoothukudi as directed by the Principal Sessions Judge, Thoothukudi in Cr.M.P.No.358 of 2025, within a period of two weeks from the date of receipt of copy of this order. It is made clear that any default in payment of the said amount within the stipulated time, this order would automatically be vacated.



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7. With the above directions, both the Criminal Original Petitions stand disposed of.

27.01.2026

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

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To

- 1.The Principal Sessions Judge,
Thoothukudi.
- 2.The Fast Track Court (Magistrate Level),
Thoothukudi.
- 3.The Superintendent of Police,
Thoothukudi City,
Thoothukudi District.
- 4.The Inspector of Police,
Thalamuthu Nagar Police Station,
Tuticorin District
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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