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Crl.O.P.No.16092 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 16092 of 2026

Kavitha

... Petitioner

Vs.

Varadharajan

... Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside docket order dated 28.01.2026 passed by the IV Additional District Judge of Bhavani and to issue direction to the IV Additional District Judge of Bhavani to number the petition for condone delay in filing petition for extension of time to comply the order passed in Crl.M.P.No.1 of 2025 in C.A.No.223 of 2025 on 25.09.2025 by the Principal District and Sessions Judge, Erode through online by the petitioner in ATN20220001134C202600010 and thus render justice.

For Petitioner : Mr. M. Jaikumar



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ORDER

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This Criminal Original Petition has been filed to set aside the docket order dated 28.01.2026 passed by the IV Additional District Judge, Bhavani and consequently direct the IV Additional District Judge, Bhavani, to number the petition filed for condonation of the delay in filing an application seeking extension of time to comply with the order dated 25.09.2025 passed in Crl.M.P.No.1 of 2025 in C.A.No.223 of 2025 by the Principal District and Sessions Judge, Erode, which was presented online by the petitioner in ATN20220001134C202600010.

2. The petitioner, who is the accused in a case under Section 138 of the Negotiable Instruments Act in S.T.C.No.1418 of 2018 filed by the respondent, was convicted by the trial Court by judgment dated 18.08.2025 and sentenced to undergo simple imprisonment for a period of nine months. The trial Court also directed the petitioner to pay compensation of Rs.12,00,000/- within a period of two months. Aggrieved by the said judgment, the petitioner preferred an appeal in C.A.No.223 of 2025 before the Principal District and Sessions Judge, Erode and filed Crl.M.P.No.1 of 2025 seeking suspension of sentence. By order dated 25.09.2025, the



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appellate Court admitted the appeal, suspended the sentence and directed the petitioner to execute a bond for Rs.10,000/- with two sureties and to deposit 20% of the cheque amount, i.e., Rs.2,40,000/-, before the Judicial Magistrate No,I, Bhavani, within 60 days.

2.1. Thereafter, upon coming to know that the appeal had been made over to the Court of the IV Additional District Judge, Bhavani, the petitioner filed an online petition on 06.12.2025 seeking extension of time to comply with the order dated 25.09.2025. However, the said petition was returned on 28.01.2026 with the endorsement that *“suspension of the sentence for petitioner / appellant / accused. Order passed by Hon’ble Principal District Judge, Erode. How this petition maintainable. Hence, returned”*.

2.2. Subsequently, the petitioner presented a petition for extension of time before the Principal District and Sessions Judge, Erode, on 02.03.2026. The said petition was also returned on 11.03.2026 with the endorsement the *“The entire case bundle in Crl.A.No.223 of 2025 already made over to IV ADJ Court, Bhavani. Hence this petition to be filed before the concerned Court.”*

3. The learned counsel for the petitioner submitted that directing the petitioner to once again approach the IV Additional District Judge, Bhavani,



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seeking extension of time would be an exercise in futility, as the petitioner had already filed a petition seeking the very same relief, which was returned on 28.01.2026. On the date of such return, C.A.No.223 of 2025 was pending before the said Court. Hence, the present petition has been filed.

3.1. The learned counsel for the petitioner further submitted that the petitioner has arranged the 20% of the cheque amount i.e., Rs.2,40,000/- and seeks only two weeks time to deposit the said amount to the credit of S.T.C.No.1418 of 2018 before the Judicial Magistrate No.I, Bhavani, in compliance with the order passed in CrI.M.P.No.1 of 2025 in C.A.No.223 of 2025.

4. In view of the above facts and circumstances, this Court is of the considered view that the return of the petition seeking extension of time by the IV Additional District Judge, Bhavani, was not proper. Once the appeal had been made over to the said Court, it is for the IV Additional District Judge, Bhavani, to consider and pass orders.

5. In any event, the petitioner is now ready to deposit the amount. Accordingly, the petitioner is granted three weeks time from the date of



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receipt of a copy of this order to deposit the sum of Rs.2,40,000/- before the Judicial Magistrate No.I, Bhavani. It is made clear that no further extension of time shall be granted.

6. With the above directions, this Criminal Original Petition is disposed of.

25.06.2026

Neutral Citation: Yes/No
AT

To

1.The Principal District and Sessions Judge, Erode.

2.The IV Additional District Judge, Bhavani.



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M.NIRMAL KUMAR, J.

AT

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