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Crl.O.P.No.1356 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1356 of 2025

Mrs.A.Hemalatha, (Aged 50 years),
W/o.Mr.P.Deepak,
No.39, 5th Cross Street, 9th Main,
Adithya Nagar,
Vidyaranyapura,
Bangalore-560097.

... Petitioner

Vs.

Mr.C.Appar,
S/o.M.Chinnasamy,
No.13/22, Diamond Street,
NSC Bose Road,
Porur, Chennai-600 116.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS.,
pleaded to set aside the condition imposed in paragraph No.6 &7 of the order
passed in Crl.M.P.No.30176 of 2024 dated 29-10-2024 and modify the same
and consequently grant further time for complying the direction to the III
Additional Judge City Civil Court by recalling the warrant against the
petitioner issued in Crl.M.P.No.30176 of 2024 in Crl.A.No.824 of 2024, on the
file of III Additional Principal Sessions Judge, Chennai, dated 09.01.2025.

For Petitioner : Ms.P.Keerthana

For Respondent : Mr.S.Vanchinathan



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ORDER

This Criminal Original Petition has been filed seeking to set aside the condition imposed in paragraph Nos. 6 &7 of the order passed in Crl.M.P.No.30176 of 2024 dated 29-10-2024 and modify the same and consequently grant further time for complying the direction to the III Additional Judge, City Civil Court, Chennai by recalling the warrant against the petitioner issued in Crl.M.P.No.30176 of 2024 in Crl.A.No.824 of 2024, on the file of III Additional Principal Sessions Judge, Chennai, dated 09.01.2025.

2. The petitioner is an accused in the complaint lodged by the respondent for the offense punishable under Section 138 of the N.I Act in C.C.No.3835/2019. After full-fledged trial, the trial court convicted the petitioner for the offence under Section 138 of the N.I. Act and sentenced him to undergo 5 months of simple imprisonment (S.I.) and to pay the cheque amount of Rs.10,40,000/- as compensation, in default to undergo one month of S.I.

3. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.824/2024 along with an application to suspend the sentence. The



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Appellate Court, while suspending the sentence, imposed the condition that the petitioner shall deposit 20% of the total cheque amount within a period of 60 days. However, the petitioner did not comply with the said condition and filed a petition seeking an extension of time, which was dismissed and a non-bailable warrant (NBW) was issued against the petitioner. The Appellate Court rightly imposed the condition that the petitioner shall deposit 20% of the cheque amount, which was ordered as compensation under Section 148 of the N.I. Act.

4. Therefore, this Court finds no infirmity or illegality in the order passed by the Appellate Court and accordingly, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to comply with the condition imposed by the Appellate Court. If the petitioner complies with the condition imposed by the Appellate Court on or before 21.02.2025, the trial court is directed to permit the petitioner to deposit 20% of the cheque amount and the Appellate Court is directed to recall the warrant issued against the petitioner and proceed with the appeal.

14.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order



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To,

1. The III Additional Judge City Civil Court, Chennai.
2. The III Additional Principal Sessions Judge, Chennai.



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G.K.ILANTHIRAIYAN, J.

bsm

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