



WEB COPY



Crl.O.P.No. 9447 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9447 of 2025

1. T. Geethalakshmi

2. M. Sivakumar

... Petitioners

Versus

S. Nithyanandham

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order in Crl.M.P.No.4373 of 2024 dated 06.08.2024 passed by the learned Principal District and Sessions Judge at Tiruvallur and extend the time to comply the order passed by the Learned Principal District and Sessions Judge, Tiruvallur.

For Petitioners : Mr. Krishnasamy Chinnasamy

For Respondent : Mr. A. Gopinath,
Government Advocate (Crl.side)



Crl.O.P.No. 9447 of 2025

ORDER

WEB COPY

This petition has been filed to set aside the order in Crl.M.P.No.4373 of 2024 dated 06.08.2024, passed by the learned Principal District and Sessions Judge at Tiruvallur and extend the time to comply with the order passed by the Learned Principal District and Sessions Judge, Tiruvallur.

2. The petitioners are the accused based on the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act, 1818. The case was taken on file in STC.No.1261 of 2019 on the file of the Judicial Magistrate, Thriuvottiyur. After a full-fledged trial, the petitioners / accused were sentenced to undergo Simple Imprisonment for a period of six months and were further directed to pay compensation for a sum of Rs.7,00,000/- within 30 days as compensation under Section 357(3) of Cr.P.C., in default to undergo an additional 30 days Simple Imprisonment.

3. Aggrieved by the conviction of the Trial Court, the petitioners



Crl.O.P.No. 9447 of 2025

WEB COPY

preferred an appeal in Crl.A.No.138 of 2024 along with a suspension of sentence petition in Crl.M.P.No.4373 of 2024 before the Principal District and Sessions Court in Thiruvallur.

4. The Appellate Court suspended the sentences subject to the condition that the petitioners would pay 20% of cheque amount to the credit of STC.No.1261 of 2019 within 60 days i.e., on or before 14.10.2024, by order dated 06.08.2024. However, the petitioners could not comply with the condition within the time limit due to a financial crisis. Hence, this petition.

5. After hearing both sides and perusing the materials placed before this Court, and also considering the submissions made by the learned counsel for the petitioner that the petitioners are now ready and willing to comply with the condition, therefore, this Court is inclined to extend the time to comply with the conditions as prayed for.

6. Accordingly, this Criminal Original Petition is allowed by



Crl.O.P.No. 9447 of 2025

WEB COPY

extending the time to comply with the conditions imposed on the petitioners by the learned Principal District and Sessions Judge, Tiruvallur in Crl.M.P.No.4373 of 2024 in Crl. A.No.138 of 2024 dated 06.08.2024, to on or before **07.04.2025**.

7. It is made clear that if the petitioners failed to comply with the conditions on 07.04.2025 as directed by this Court, the Appellate Court is directed to proceed further against the petitioners in accordance with the law.

28.03.2025

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

klt

Note: Issue order copy today i.e.,28.03.2025

To

- 1.The Principal District and Sessions Court, Tiruvallur.
- 2.The Judicial Magistrate, Thriuvottiyur.

G.K.ILANTHIRAIYAN, J.



WEB COPY



Crl.O.P.No. 9447 of 2025

klt

Crl.O.P.No.9447 of 2025

28.03.2025