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Crl.O.P.No.12767 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12767 of 2025

1. N.Arokiya Dass

2. Felix John Sekar

3. Centre for Social and Economic Development,
5/260, Kovilur, Nallampalli Post & T.K.,
Dharmapuri.

... Petitioners

Vs

Sumathi

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.S.S., to direct the learned Principal Sessions Judge, Dharmapuri to entertain the appeal and number the appeal filing Number CRLA.Sr.No.159/2025 on his/her file and number it for corresponding proceedings on its representation.

For Petitioners : Mr.V.Pavel



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ORDER

This petition has been filed to direct the learned Principal Sessions Judge, Dharmapuri to entertain the appeal filed by the petitioner in CRLA.Sr.No.159 of 2025.

2. The petitioners are accused in S.T.C.No.644 of 2022 on the file of the learned Judicial Magistrate, Palacode for the offences punishable under Section 138 of the Negotiable Instruments Act. After full-fledged trial, the Trial Court convicted the petitioners for the offences punishable under Section 138 of the NI Act and sentenced the first and second petitioner under Section 255(ii) of Cr.P.C. to undergo simple imprisonment for a period of six months and directed to pay Rs.5,00,000/- within two months, in default to undergo two weeks simple imprisonment and the third petitioner was imposed with a fine of Rs.10,000/-.

3. On a perusal of the records, it is revealed that the petitioners preferred an appeal under Section 415(3)(a) of BNSS as against the said order of conviction before the learned Principal Sessions Court, Dharmapuri



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without payment of fine. However, the Appellate Court insisted for production of fine receipt to be enclosed along with the appeal.

4. Under Section 415(3)(a) of BNSS, the appeal can be initiated without payment of fine. It is relevant to extract the provision under Section 415 of BNSS, which reads as follows:-

“415. Appeals from convictions.—(1) Any person convicted on a trial held by a High Court in its extraordinary original criminal jurisdiction may appeal to the Supreme Court.

(2) Any person convicted on a trial held by a Sessions Judge or an Additional Sessions Judge or on a trial held by any other Court in which a sentence of imprisonment for more than seven years has been passed against him or against any other person convicted at the same trial, may appeal to the High Court.

(3) Save as otherwise provided in sub-section (2), any person,--

(a) convicted on a trial held by Magistrate of the first class, or of the second class; or

(b) sentenced under section 364; or

(c) in respect of whom an order has been made



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or a sentence has been passed under section 401 by any Magistrate, may appeal to the Court of Session.

(4) When an appeal has been filed against a sentence passed under section 64, section 65, section 66, section 67, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023, the appeal shall be disposed of within a period of six months from the date of filing of such appeal."

5. Considering the above facts and circumstances, the Appellate Court is directed to take the appeal on file, if it is otherwise in order, and proceed further in accordance with law.

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

25.04.2025

Index:Yes/No
Neutral Citation/Yes/No
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WEB COPY To

1. The Principal Sessions Judge, Dharmapuri.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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