



Crl.O.P.No.11579 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.04.2025

CORAM:

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

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G.Murugan

... Petitioner

Vs.

M/s.Shuban Enterprises,
A registered Partnership Firm,
Rep. by its Partner,
M.gokulakrishnan,
No.11/1, 29th Cross Street,
Kaveri Vihar,
Kalashetra Colony,
Besant Nagar,
Chennai – 600 090.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the III Additional City Civil Court, Chennai in Crl.M.P. No.1082 of 2025 dated 06.02.2025 and consequently direct the III Additional Sessions Judge, Chennai, to recall the NBW issued against the petitioner on 06.02.2025 in Crl.A.No.570 of 2024.

For Petitioner : Mr.P.Bakiyaraj



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ORDER

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This Criminal Original Petition has been filed challenging the order dated 06.02.2025, passed by the learned III Additional City Civil Court, Chennai, in Crl.M.P.No.1082 of 2025 in C.A.No.570 of 2024, thereby dismissing the application seeking extension of time to comply the order passed in Crl.M.P.No.22063 of 2024 dated 08.08.2024.

2. The petitioner is an accused in the complaint lodged by respondent for the offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “NI Act”), in S.T.C.No.7846 of 2022 on the file of the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai. After full fledged trial, the trial Court convicted the petitioner for the offence punishable under Section 138 of NI Act and sentenced him to undergo five months simple imprisonment and also ordered to pay compensation to the tune of cheque amount in default to undergo one month simple imprisonment.

3. Aggrieved by the same, the petitioner filed an appeal along with the application to suspend the sentence imposed by the trial Court in Crl.M.P.No.22063 of 2024 in Crl.A.No.570 of 2024. The appellate Court



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by an order dated 08.08.2024, suspended the sentence imposed by the trial Court as against the petitioner on the condition that, the petitioner shall deposit 20% of the compensation amount to the credit of the trial Court. However, the petitioner was able to comply with the condition as such, the petitioner filed an application in Crl.M.P.No.29065 of 2024 seeking extension of time. The said application was allowed by an order dated 29.11.2024, thereby extended time to comply the condition for further period of one month. Thereafter, once again the petitioner was not able to comply with the condition and filed another application for extension of time in Crl.M.P.No.1082 of 2025. It was dismissed on the ground that the petitioner did not approach the appellate Court with clean hands.

4. The learned counsel appearing for the petitioner submitted that now the petitioner has arranged made ready the money and he is ready to comply with the condition imposed by the appellate Court.

5. Considering the above submissions, in order to give one more opportunity to the petitioner to put forth his case, this Court is inclined to extend the time till 28.04.2025 to comply with the condition



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imposed by the appellate Court in Crl.M.P.No.22063 of 2024 in
Crl.A.No.570 of 2024. Accordingly, the order dated 06.02.2025, passed
by the learned III Additional City Civil Court, Chennai, in Crl.M.P.
No.1082 of 2025 in C.A.No.570 of 2024, is hereby set aside and the time
is extended till 28.04.2025. If the petitioner fails to comply with the
condition on or before 28.04.2025, the trial Court is directed to proceed
as against the petitioner in accordance with law.

6. With the above directions, the Criminal Original Petition
stands allowed.

21.04.2025

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

*Note: Issue order copy on
or before 24.04.2025*

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To
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1. The III Additional City Civil Court,
Chennai.
2. The Metropolitan Magistrate,
Fast Track Court-V, Saidapet, Chennai.



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G.K.ILANTHIRAIYAN, J.

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