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Crl.O.P.No.17424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.17424 of 2025

--

Mrs.Lidiya Shoba Rani

.. Petitioner

Vs.

Mr.Pradeep

.. Respondent

Criminal Original Petition filed under Section 528 of BNSS, to set aside the order passed on 18.10.2024 in Crl.M.P.No.29232 of 2024 in C.A.No.522 of 2024, pending on before the learned XXI Additional City Civil Court at Allikulam, Chennai and extend the time to comply the conditional order in Crl.M.P.No.20136 of 2024.

For petitioner : M/s.M.K.Keerthana

For respondent: Mr.R.Hemalatha



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ORDER

This Criminal Original Petition is filed under Section 482 Cr.P.C. seeking to set aside the order dated 18.10.2024 passed in Crl.M.P.No.29232 of 2024 in C.A.No.522 of 2024 by the learned XXI Additional City Civil Court at Allikulam, Chennai, whereby the petitioner's application seeking further extension of time to deposit the directed sum was dismissed.

2. The facts, in brief, are as follows:

The respondent/complainant filed a private complaint under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.4430 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, alleging that the petitioner herein issued a cheque for a sum of Rs.15,00,000/- in discharge of liability, which was returned dishonoured for "Funds Insufficient." Upon completion of trial, the learned Magistrate, by judgment dated 25.06.2024, convicted the petitioner under Section 138 of the Negotiable Instruments Act and sentenced her to undergo six months' simple imprisonment and directed her to pay compensation of Rs.15,00,000/- to the complainant within one month, in default to undergo a further period of two months' simple imprisonment.



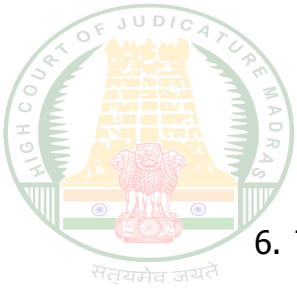
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3. Aggrieved thereby, the petitioner preferred a Criminal Appeal in C.A.No.522 of 2024. In the said appeal, she also filed a petition in Crl.M.P.No.20136 of 2024 seeking suspension of sentence, which was allowed. The learned Sessions Judge suspended the sentence and directed the petitioner to be released on bail on her executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the trial Court. A further condition was imposed directing the petitioner to deposit 20% of the compensation amount within 60 days from the date of the said order, to the credit of the case before the trial Court.

4. The petitioner, citing financial hardship and business losses, was unable to comply with the deposit condition within the stipulated time. Consequently, she filed an application in Crl.M.P.No.28046 of 2024 seeking extension of time, which was allowed by the learned Sessions Judge on 03.10.2024, extending the time up to 18.10.2024.

5. Despite the extension, the petitioner failed to deposit the said amount. She thereafter filed yet another petition in Crl.M.P.No.29232 of 2024 for further extension of time, which came to be dismissed by the learned XXI Additional City Civil Judge on 18.10.2024, leading to issuance of non-bailable warrant.



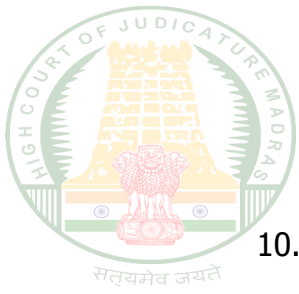
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6. The present petition is filed challenging the said dismissal order and the consequential warrant issued.

7. It is the case of the petitioner that she has been undergoing economic difficulties for the past eight months owing to business losses and severe health issues. She has made earnest attempts to mobilise the funds, but due to her financial condition, she was unable to comply with the court's direction.

8. It is evident from the records that the petitioner was granted sufficient time and also a further extension to comply with the conditional order. The direction to deposit 20% of the compensation amount is not merely procedural but forms part of the conditional suspension of sentence as per the statutory mandate under Section 148 of the Negotiable Instruments Act. Failure to comply would disentitle the petitioner from continuing to enjoy the benefit of suspension of sentence.

9. Admittedly, the Criminal Appeal in C.A. No.522 of 2024 has been pending on the file of the XXI Additional Sessions Court, Allikulam, for nearly one year. Hence, this Court is of the view that prolonging the adjudication without disposal on merits would not subserve the ends of justice.



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10. In the above circumstances, this Court is not inclined to interfere with the impugned order dated 18.10.2024 passed in Crl.M.P.No.29232 of 2024. However, considering that the main appeal is ripe for hearing and to avoid further prejudice to either party, this Court deems it appropriate to direct expeditious disposal of the appeal.

11. Accordingly, the learned XXI Additional Sessions Judge, Allikulam, Chennai is directed to dispose of Criminal Appeal No.522 of 2024 on merits, after affording sufficient opportunity to both sides, on or before 21.07.2025, without granting any unnecessary adjournments.

12. With the above observations, this Criminal Original Petition stands dismissed.

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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P.VELMURUGAN, J

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To

1. The XXI Additional City Civil Court at Allikulam, Chennai.
2. The Public Prosecutor, Madras High Court, Chennai.

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