



Crl.O.P.No.17749 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.17749 of 2025

G.Isaiah

... Petitioner

Vs

Pradeep

... Respondent

PRAYER:Criminal Original Petition filed under Section 528 of BNSS 2023, to set aside the order passed on 18.10.2024 in Crl.M.P.No.29231/2024 in C.A.No.521/2024 pending before the XXI Additional City Civil Court at Allikulam, Chennai and extend the time to comply the conditional order in Crl.M.P.No.28045/2024 in Crl.M.P.No.20134 of 2024 dated 03.10.2024.

For Petitioner : Ms.M.K.Keerthana

ORDER

This Criminal Original Petition has been filed to set aside the order passed on 18.10.2024 in Crl.M.P.No.29231/2024 in C.A.No.521/2024 pending before the XXI Additional City Civil Court at



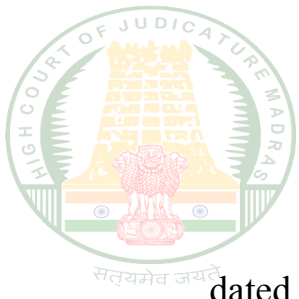
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Allikulam, Chennai and extend the time to comply the conditional order in Crl.M.P.No.28045/2024 in Crl.M.P.No.20134 of 2024 dated 03.10.2024.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The petitioner herein is the accused in C.C.No.4429 of 2019 on the file of the learned Metropolitan Magistrate, FTC-II, Egmore at Allikulam, Chennai. The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of six months and also directed to pay cheque amount of Rs.13,00,000/- as compensation to the complainant within a period of one month. Subsequently, the petitioner filed an appeal in C.A.No.521 of 2024 before the learned Principal Sessions Judge, Chennai and the petitioner has also filed Crl.M.P.No.20134 of 2024, seeking suspension of sentence pending disposal of the appeal. The learned Sessions Judge vide order



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dated 24th July 2024, suspended the sentence on condition that the petitioner has to deposit 20% of the compensation amount within the stipulated time. The petitioner has not complied with the same. The appeal was made over to the XXI Additional Sessions Court, Chennai. Hence, the petitioner has filed a petition under Section 148(2) of NI Act in Crl.M.P.No.28045 of 2024 before the learned XXI Additional City Civil Judge, Allikulam at Chennai seeking extension of time to comply with the condition imposed in the order dated 24.7.2024 in Crl.M.P.No.20134 of 2024 in C.A.No.521 of 2024. The learned XXI Additional Sessions Judge granted extension of time till 18.10.2024, vide order dated 03.10.2024.

4. Since the petitioner has not complied with order dated 03.10.2024, he filed the second petition in Crl.M.P.No.29231 of 2024 under Section 148(2) of NI Act seeking further extension of time to deposit 20% of the compensation amount. The learned XXI Additional Sessions Judge, City Civil Court, Chennai dismissed the same vide impugned order dated 18.10.2024. Challenging the same, the petitioner



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has filed the present criminal original petition by invoking Section 528 of BNSS.

5. Though sufficient opportunity and time was granted to the petitioner, he has not complied with the conditional order within the stipulated time. Hence the learned Additional Judge rightly dismissed the petition seeking further extension of time to comply with the condition. This Court is of the view that the petitioner is not entitled to the relief as sought for in this petition.

6. Since the Criminal Appeal in C.A.No.521 of 2024 is pending from 2024 and it is only a matter for arguments, the learned XXI Additional Judge, XXI Additional City Civil Court at Allikulam, Chennai is directed to hear the appeal and dispose of the same on merits and in accordance with law preferably within a period of one month. The petitioner is also directed to co-operate for early disposal of the case.

7. With the abovesaid direction, this Criminal Original Petition is



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dismissed.
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20.06.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The XXI Additional Judge,

XXI Additional City Civil Court at Allikulam, Chennai.



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P.VELMURUGAN, J

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