



Crl.O.P.No.23057 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.23057 of 2025

G.M.Sankaranarayanan

... Petitioner

Vs.

K.Raghavendra Rao

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. Challenging the order dated 13.11.2024 passed by the Principal Sessions Judge, Chennai in Crl.M.P.No.31811 of 2024 in C.A.No.860 of 2024, wherein the learned Principal Sessions Judge suspended the sentence of imprisonment imposed on the respondent/accused by the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai in C.C.No.3819 of 2021, until the disposal of the appeal.

For Petitioner

: M/s.R.Revathi Radhakrishnan

For Respondent

: Mr.P.Ramesh Kumar

ORDER

Challenge has been made against the order dated 13.11.2024 passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.31811 of 2024 in C.A.No.860 of 2024, wherein the learned Principal Sessions Judge suspended the sentence of imprisonment imposed on the respondent/accused by the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai in C.C.No.3819 of 2021.

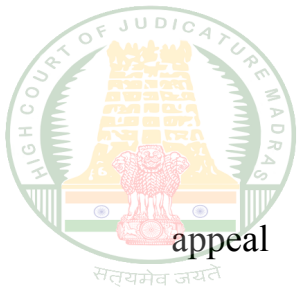


CrI.O.P.No.23057 of 2025

2. The case of the petitioner/complainant is that the trial Court by its judgment dated 14.10.2024, convicted the respondent/accused for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of 11 months and also directed the accused to pay the cheques amount of Rs.3,01,00,000/- as compensaton to the complainant. Challenging the same, the respondent/accused preferred an appeal before the Principal Sessions Judge, Chennai in C.A.No.860 of 2024 and he had also filed a petition in CrI.M.P.No.31811 of 2024 to suspend the sentence imposed by the trial Court. The learned Principal Sessions Judge while considering the said petition, by taking note of the personal insolvency proceedings pending as against the respondent/accused before the NCLT, suspended the sentence without imposing any condition.

3. The main contention of the learned counsel for the petitioner/complainant is that the respondent is earning money and that the first appellate Court ought to have imposed some conditions as mandatory under Section 148 of the Negotiable Instruments Act. But without imposing any condition, the first appellate Court ordered suspension of sentence. Hence, challenging the same, the present petition is filed.

4. The learned counsel for the respondent/accused submitted that the



Crl.O.P.No.23057 of 2025

appeal itself has already been argued by both side and the petitioner/complainant has also filed his written submissions and now the matter is posted on 22.09.2025 for filing of written submissions of the respondent/accused.

5. Considering the fact that the appeal itself is at the final stage, this Court finds no reason to interfere with the order of the first appellate Court.

6. However, the first appellate Court shall dispose of the appeal within a period of one month from the date of receipt of a copy of this order. Further, the first appellate Court while exercising its discretionary power shall take note of the insolvency proceeding pending against the respondent/accused.

7. With the above directions, this Criminal Original Petition is dismissed.

15.09.2025

ksa-2

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1. The Principal Sessions Judge, Chennai
2. The Metropolitan Magistrate, FTC-V, Saidapet, Chennai



WEB COPY



Crl.O.P.No.23057 of 2025

N. SATHISH KUMAR, J.

ksa-2

Crl.O.P.No.23057 of 2025

15.09.2025