



CrI.O.P.No.21321 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.21321 of 2025

V.Ganesan

Proprietor, G.K.Shipping Service

No.77, Second Floor, Kodambakkam High Road

Kodambakkam, Chennai - 34

Also residing at

H.No.10/3, Balaji Mansion

South Gangai Amman Koil

Second Street, Choolaimdu

Chennai - 94

... Petitioner

Vs.

M/s.EMU Lines Private Limited

New No.120, Old No.272

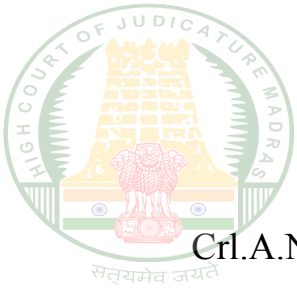
Thambuchetty Street

Represented by its Accounts Manager

Sathiyamarayanan

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to set aside return docket order in unnumbered SR in CrI.M.P.No.1 of 2025 in
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CrI.A.No.87 of 2025 on the file of the XXII Additional Sessions Judge,

WEB CO Allikulam, Chennai dated 13.06.2025 and extend the time to deposit the conditional amount.

For Petitioner : Mr.J.Franklin

ORDER

This Criminal Original Petition has been filed by the petitioner to set aside the return docket order in un-numbered SR, in CrI.M.P.No.1 of 2025 in CrI.A.No.87 of 2025 on the file of the XXII Additional Sessions Judge, Allikulam, Chennai dated 13.06.2025 and extend the time to deposit the conditional amount.

2. The case of the petitioner is that the petitioner is an accused and was facing trial in the case in in C.C.No.1915 of 2016 on the file of the VII Metropolitan Magistrate, George Town, Chennai. After trial, by judgment dated 18.12.2024, the learned Metropolitan Magistrate, convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced

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him to undergo six months simple imprisonment and to pay the cheque amount

of Rs.17,93,716/- as compensation to the complainant, in default, to undergo

one month simple imprisonment. Challenging the same, the petitioner

preferred an appeal in CrI.A.No.87 of 2025 and also filed a petition in

CrI.M.P.No.1 of 2025 to suspend the sentence pending disposal of the appeal.

The learned Principal Sessions Judge, by order dated 23.01.2025, suspended

the sentence subject to condition that the petitioner to deposit 10% of the

compensation amount before the trial Court to the credit of the Calender Case

within a period of 45 days from the date of order, along with other conditions.

The petitioner could not deposit the said amount within the stipulated time.

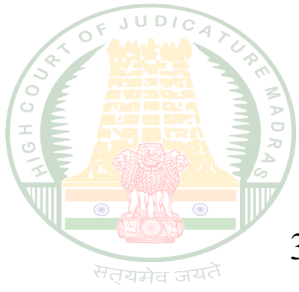
Hence, he filed a petition seeking extension of time to deposit the amount, but

the learned Sessions Judge returned the same vide docket order dated

13.06.2025 on the ground of maintainability since the said petition was filed

beyond the stipulated period of 45 days. Challenging the same, the present

petition is filed.



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3. Heard the learned counsel for the petitioner and perused the materials

available on record.

4. It is seen that the learned Sessions Judge has passed the conditional order directing the petitioner to deposit 10% of the compensation amount on 23.01.2025 itself. The petitioner neither complied with the same nor filed the petition for extension of time within the stipulated time. The petition for extension of time can be filed only within the stipulated time and it cannot be filed beyond the stipulated period.

5. In this case, the petitioner has filed the petition for extension of time after expiry of the period of three months from the date of conditional order i.e. on 13.06.2025. Therefore, the learned Sessions Judge has returned the petition on the ground of maintainability. This Court finds no reason to interfere with the return docket order passed by the learned Sessions Judge.

6. However, in order to give one more opportunity to the petitioner, the petitioner is directed to deposit 20% of the compensation amount before the



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trial Court, to the credit of C.C.No.1915 of 2015 on or before 08.08.2025

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failing which, the petitioner will not be entitled to the relief of suspension of sentence and the trial Court shall proceed to secure the petitioner.

7. Further, the learned Sessions Judge is directed to hear the appeal and dispose of the same within a period of one month from the date of receipt of a copy of this order.

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

30.07.2025

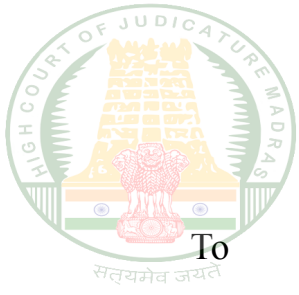
Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issued order copy on 30.07.2025



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To

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1. The Principal Sessions Judge, Chennai.
2. The XXII Additional Sessions Judge,
Allikulam, Chennai.
3. The VII Metropolitan Magistrate,
George Town, Chennai.



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P.VELMURUGAN,J.

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