



Crl.O.P.No.21806 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.21806 of 2025

T.Thenmozhi

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur, Chennai.

...Respondent

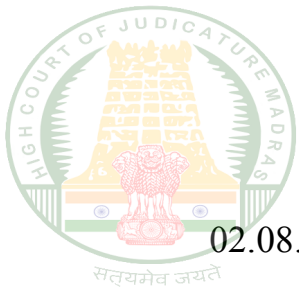
Petition filed under Section 528 of the Bharatiya Suraksha Sanhita, 2023 seeking to direct the respondent herein to execute the Non- bailable Warrant issued vide the order of the learned XXV Metropolitan Magistrate, Egmore at Chennai, dated 02.08.2023, in C.C.No.6085 of 2019.

For Petitioner : Mrs.R.Saritha

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The prayer in the petition is filed by a complainant in a private complaint in CC.No.6085 of 2019 with a prayer to execute the warrant and commit the accused in the case to prison. By judgment dated



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02.08.2023 the learned XXV Metropolitan Magistrate, Egmore, Chennai had convicted the accused for an offence under section 138 of the Negotiable Instruments Act and sentenced the accused to undergo a simple imprisonment of 6 months and to pay a fine of Rs.1,00,000/-. Even though, the judgment was delivered *in absentia* and NBW was issued, the same is not executed and therefore the direction petition.

2. However, when the matter came up for hearing, the learned counsel representing the accused in the case, appeared before the Court and made some submissions. In view of the said submissions, the accused K.Anita W/o.Mr.J.Kannan, Srikanth Amirtha Apartments, No.3A, 2nd Bharath Street, Karkkum Main Road, Menambakkam, Ambattur, Chennai – 600 053 is *suo motu* impleaded as the second respondent. The learned counsel submits that the complainant is ready to deposit the fine amount and prefer an appeal, however there is a delay.

3. I have considered the rival submissions that are made and perused the records of the case.



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4. The second respondent is now convicted of an offence under section 138 of the Negotiable Instruments Act, 1881 and as such, she has to prefer an appeal before the appropriate Court. The appeal has to be preferred along with the condonation of delay. Learned counsel for the second respondent makes a statement that she will deposit the entire fine amount of Rs.1,00,000/- that is being imposed. In view thereof, some relief can be granted to the second respondent which will also be in the best interest of the petitioner / complainant also. Hence, I issue the following directions:

(i) Within one week from the date of receipt of the web copy of the order, the second respondent shall file an appeal along with a petition to condone the delay.

(ii) At the stage of filing the appeal itself, let the sum of Rs.1,00,000/- be deposited to the credit of the appellate Court or as directed by the Appellate Court to the credit of the CC.No.6085 of 2019 as the case may be. If that amount is deposited, the Appellate Court shall consider the condonation of delay application as expeditiously as possible and thereafter, further orders can be passed with reference to suspension of sentence pending the appeal.



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(iii) Pending such exercise, if the petitioner files an

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appeal and also deposits the said sum of Rs.1,00,000/- until further orders of the Appellate Court regarding suspension of sentence, let the non-bailable warrant need not be executed. If the petitioner fails to file the appeal and deposit the amount, let the first respondent police execute the non-bailable warrant within a period of five (5) weeks from the date of receipt of the copy of the order.

5. With the above observation and directions, this Criminal Original petition is disposed of.

05.08.2025

rap

NCC : Yes / No

Index : Yes / No



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To
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1. The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur, Chennai.

2. The XXV Metropolitan Magistrate, Egmore at Chennai



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D.BHARATHA CHAKRAVARTHY.J.,

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