



CrI.O.P.No.21339 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.21339 of 2025

Gandhimathi

... Petitioner

Vs.

Lakshmi

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to direct the learned Kallakurichi Fast Track Judicial Magistrate Court for accept the deposit of 20% of the cheque amount and set aside the conditional order passed by the learned Principal District and Sessions Court Kallakurichi in the CrI.M.P.No.1605 of 2025 in Criminal Appeal No.40 of 2024 and may order for the suspension of sentence which is passed by the learned Kallakurichi Fast Track Judicial Magistrate Court in the STC No.36 of 2020.

For Petitioner

: Mr.A.Pooraniputhiran



CrI.O.P.No.21339 of 2025

ORDER

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This Criminal Original Petition has been filed by the petitioner to direct the learned Judicial Magistrate (Fast Tract Court), Kallakurichi to accept the deposit of 20% of the cheque amount and set aside the conditional order passed by the learned Principal District and Sessions Judge, Kallakurichi in CrI.M.P.No.1605 of 2025 in Criminal Appeal No.40 of 2024 dated 01.07.2025 and may order for the suspension of sentence which is passed by the learned Kallakurichi Fast Track Judicial Magistrate Court in the STC No.36 of 2020.

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

3. It is seen that the petitioner was convicted by the learned Judicial Magistrate (Fast Track Court), Kallakurichi in STC No.36 of 2020 by judgment dated 10.10.2023 for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year rigorous imprisonment and to pay compensation of Rs.6,50,000/- to the complainant.



CrI.O.P.No.21339 of 2025

Challenging the same, the petitioner preferred an appeal before the Principal

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District and Sessions Judge, Kallakurichi in CrI.A.No.40 of 2024 along with a petition in CrI.M.P.No.1085 of 2024 for suspension of sentence. The learned Sessions Judge, while considering the petition for suspension of sentence on 23.04.2024, imposed a condition directing the petitioner to deposit 20% of the cheque amount to the credit of STC No.36 of 2020 in the Court of Judicial Magistrate (Fast Track Court), Kallakurichi, within two months from the date of receipt of the order, along with other conditions. However, the petitioner neither deposited the said amount with the stipulated period of two months nor filed any application for extension of time before the expiry of the stipulated time. After a period of one year from the date of said order, the petitioner filed another petition in CrI.M.P.1605 of 2025 before the learned Sessions Judge seeking extension of time to comply with the order passed in CrI.M.P.No.1085 of 2024 dated 23.04.2024. The learned Sessions Judge by order dated 01.07.2025 allowed the said petition and extended the time till 09.07.2025 as a



CrI.O.P.No.21339 of 2025

last chance to comply with the order passed in CrI.M.P.No.1085 of 2024 dated

23.04.2024. Despite the same, the petitioner had not complied with the said order and now, he has filed the present petition. Therefore, this Court is not inclined to interfere with the order passed by the learned Sessions Judge.

4. However, since the appeal in CrI.A.No.40 of 2024 is pending from the year 2024, the learned Sessions Judge is directed to hear the appeal after receiving records, if already not received and dispose of the same on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

5. With the above directions, this Criminal Original Petition is disposed of at the admission stage itself.

30.07.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



CrI.O.P.No.21339 of 2025

To

1. The Principal District and Sessions Judge
Kallakurichi

2. The Judicial Magistrate (Fast Track Court)
Kallakurichi



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CrI.O.P.No.21339 of 2025

P.VELMURUGAN,J.

Ksa-2

CrI.O.P.No.21339 of 2025

30.07.2025