



Crl.O.P.No.24525 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.24525 of 2025

S.Naga Jothi

... Petitioner

Vs.

R.P.Kavitha

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to set aside the order dated 06.08.2025 made in M.P.No.03 of 2025 in Crl.M.P.No.32212 of 2024 in Crl.A.No.874 of 2024 on the file of the XVI Additional City Civil Judge at Chennai and consequently, grant further extension of time for a period of four weeks.

For Petitioner : Mr.S.Petchi Muthu Kumar

ORDER

Challenging the order of the appellate Court dated 06.08.2025, dismissing the petition filed by the petitioner/accused in M.P.No.03 of 2025 in Crl.M.P.No.32212 of 2024 in C.A.No.874 of 2024, under Section 148(2) of Negotiable Instruments Act, seeking extension of time to comply with the conditions imposed in Crl.M.P.No.32212 of 2024 dated 16.11.2024, the present Criminal Original Petition has been filed.



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WEB COPY2. The complaint under Section 138 of the Negotiable Instruments Act was filed by the respondent against the petitioner before the learned XXVII Metropolitan Magistrate, Saidapet, Chennai, in S.T.C.No.5351 of 2022. On 29.08.2024, the trial Court found the petitioner/accused guilty, convicted her and sentenced her to undergo one year simple imprisonment and directed her to pay compensation of Rs.12,25,000/-, in default to undergo three months simple imprisonment. Against which, the petitioner preferred an appeal in C.A.No.874 of 2024 along with a petition in CrI.M.P.No.32212 of 2024 seeking suspension of sentence.

3. The Appellate Court, while suspending the sentence imposed on the petitioner on 16.11.2024, directed her to deposit 10 % of the compensation amount before the trial Court within 60 days from the date of the said order. Thereafter, the petitioner filed an application in M.P.No.03 of 2025 seeking an extension of time to deposit the said 10% of the compensation amount. However, the Appellate Court, vide order dated 06.08.2025, dismissed the application and vacated the suspension of sentence granted on 16.11.2024 for non compliance of the conditional order. Aggrieved by the same, the present petition has been filed.

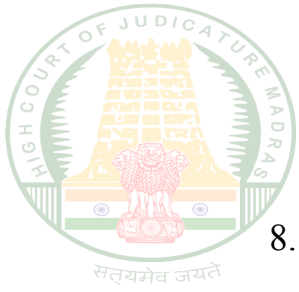


WEB COPY 4. It is the contention of the learned counsel for the petitioner that due to financial crisis and illness, the petitioner was unable to comply with the condition on time. Hence, he prayed for an extension of time to comply with the order dated 16.11.2024 and to set aside the order dated 06.08.2025.

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

6. Considering the nature of the case, this Court is inclined to extend the time granted to the petitioner to comply with the condition imposed by the appellate Court.

7. Accordingly, the time for depositing 10 % of the compensation amount before the trial Court, as imposed by the appellate Court in Crl.M.P.No.32212 of 2024 in C.A.No.874 of 2024 dated 16.11.2024, is extended for a further period of two weeks from the date of receipt of copy of this order.



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8. On such deposit being made by the petitioner, the order passed by the appellate Court dated 06.08.2025, vacating the suspension of sentence granted earlier on 16.11.2024, shall stand revoked.

9. In view of the above, this Criminal Original Petition is disposed of.

09.09.2025

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Neutral Citation: Yes/No

To

1. The XVI Additional City Civil Judge,
Chennai.
2. The XXVII Metropolitan Magistrate, Saidapet,
Chennai.



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N. SATHISH KUMAR, J.

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