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Crl.O.P.No.29205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29205 of 2025
and Crl.M.P.No.19811 of 2025

N.Akbar Basha Khan

... Petitioner

Vs.

V.G.Mariappan

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to set aside the impugned order M.P.No.5382 of 2025 passed by XVI Additional City Civil Court, Chennai on 18.08.2025 and consequently, extend the time to comply with the order imposed in M.P.No.1 of 2025 in Crl.A.No.375 of 2025, passed by the learned Principal Sessions Judge dated 18.03.2025 directing to deposit 20% of the compensation amount under Section 148 NI (Amendment) Act.

For Petitioner : Mr.F.Najimudeen

ORDER

The Criminal Original Petition has been filed seeking to set aside the order passed by the XVI Additional City Civil Court, Chennai, dated 18.08.2025, in Crl.M.P.No.5382 of 2025 in C.A.No.375 of 2025 and to



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extend the time granted to comply with the order passed by the Principal Sessions Court, Chennai, in Crl.M.P.No.1 of 2025 in C.A.No.375 of 2025, dated 18.03.2025.

2. The brief facts of the case are as follows :-

2.1. The complaint under Section 138 of the Negotiable Instruments Act was filed by the respondent against the petitioner before the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai, in C.C.No.394 of 2022.

2.2. On 17.02.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo five months simple imprisonment and further directed him to pay the cheque amount of Rs.7,50,000/- as compensation, in default to undergo one month simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in C.A.No.375 of 2025 along with a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence. On 18.08.2025, the learned Principal Sessions Judge, while suspending the sentence imposed on the petitioner, directed him to deposit 20 % of the cheque amount before the trial Court within sixty days from the date of the said order.



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2.4. Since the petitioner was unable to mobilize the funds, he filed Crl.M.P.No.5382 of 2025 before the XVI Additional City Civil Court, Chennai, seeking extension of time for compliance. However, the learned Judge, vide order dated 18.08.2025, dismissed the petition and vacated the suspension of sentence granted to the petitioner on 18.03.2025 for non-compliance of the conditional order and directed the trial Court to take steps to secure the petitioner/accused. Aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the petitioner has now mobilized the amount and is ready to deposit the same. He further submitted that the petitioner is ready to get along with the appeal for early disposal. Therefore, if the order passed in Crl.M.P.No.5382 of 2025 is not set aside and the time is not extended, the petitioner would be put to great hardship. Hence, he prayed to set aside the same.

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

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner,



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this Court is inclined to extend the time granted to the petitioner to comply with the condition imposed in Crl.M.P.No.1 of 2025.

6. Accordingly, the Criminal Original Petition stands allowed. The order passed by the learned XVI Additional District Judge, in Crl.M.P.No.5382 of 2025, dated 18.08.2025, is set aside. Consequently, the time for depositing 20% of the cheque amount before the trial Court, as directed by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.1 of 2025 in C.A.No.375 of 2025 dated 18.03.2025, is hereby extended for a further period **two weeks from today**.

7. On such deposit being made by the petitioner within the extended time, the order passed in Crl.M.P.No.1 of 2025, dated 18.03.2025, shall stand revived.

8. Consequently, connected miscellaneous petition is closed.

28.10.2025

Note : Issue order copy on 29.10.2025.

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Neutral Citation: Yes/No



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1. The Principal Sessions Judge, Chennai.
2. The XVI Additional City Civil Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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and Crl.M.P.No.19811 of 2025***

***28.10.2025
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