



CrI.O.P.No.25648 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.25648 of 2025
and CrI.M.P.No.17419 of 2025

S.Uma

... Petitioner

Vs.

Praful Kumar Daga

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in MP.No.5 of 2025 in CrI.M.P.No.1 of 2025 in CrI.A.No.348 of 2025 and consequentially set aside the order dated 02.09.2025 in MP.No.5 of 2025 in CrI.M.P.No.1 of 2025 in CrI.A.No.348 of 2025 passed by the learned XVI Additional Sessions Judge, City Civil Court, Chennai.

For Petitioner : Mr.M.I.Mohammed Qays
for M/s.Nathan and Associates

ORDER

The petitioner challenges the order of the first appellate court in MP.No.5 of 2025 cancelling the suspension of sentence granted in CrI.M.P.No.1/2025 in CrI.A.No.354 of 2025 dated 14.03.2025 on the ground of non-deposit of 10% of the compensation amount before the Trial Court to the credit of S.T.C.No.7460/2022 within 60 days from the date of



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that order.

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2. The complainant has filed the above MP.No.5/2025 for cancellation of the suspension of sentence and the same was allowed vide order dated 02.09.2025. The first appellate court taking note of the law declared in *Surinder Singh Deswal @ Col.S.S.Deswal vs. Virender Gandhi* reported in (2019) 11 SCC 341 had cancelled the suspension of sentence granted vide order dated 14.03.2025 and further, directed the Trial Court to take steps to secure the accused in STC.No.7460/2022

3. When the Court was about to dismiss this petition, the learned counsel for the petitioner submitted that within a period of 1 week from the date of receipt of a copy of this Order, the petitioner will deposit the amount as ordered by the first appellate Court.

4. Such view of the matter, one week time is extended to the petitioner for deposit of 10% of the compensation amount to the credit of S.T.C.No.7460 of 2022 on the file of the learned XXV Metropolitan Magistrate, Egmore, Chennai from the date of receipt of a copy of this Order. On such deposit, the first appellate Court shall not take any steps and



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the first appellate Court's order dated 14.03.2025 stands revived, in the event of failure, the order of the first appellate court dated 02.09.2025 shall continue.

5. Accordingly, this petition stands disposed of. Consequently, connected miscellaneous petition stands closed.

18.09.2025

dhk

Neutral Citation : Yes/No

Internet : Yes/No

To

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

2.The XXV Metropolitan Magistrate, Egmore, Chennai

N. SATHISH KUMAR, J.



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