



Crl.O.P.No.26837 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.26837 of 2025

R.Anitha

... Petitioner

Vs.

R.Velmurugan

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to set aside the order passed by the learned XVII Additional District and Sessions Judge, in Crl.M.P.No.33725 of 2024 dated 07.07.2025 and restore the suspension of sentence granted to the petitioner.

For Petitioner : Mr.M.Prakash

ORDER

Challenging the order of the appellate Court dated 07.07.2025, allowing the petition filed by the respondent in Crl.M.P.No.33725 of 2024, seeking to cancel the suspension of sentence granted to the petitioner in Crl.M.P.No.24995 of 2024 in C.A.No.657 of 2024 dated 05.09.2024, the present Criminal Original Petition has been filed.

2. The complaint under Section 138 of the Negotiable Instruments



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Act was filed by the respondent against the petitioner before the learned Metropolitan Magistrate, FTC-V, Egmore, Chennai, in S.T.C.No.2763 of 2022. On 09.07.2024, the trial Court found the petitioner/accused guilty, convicted her and sentenced her to undergo six months simple imprisonment and directed her to pay compensation of Rs.26,20,000/-, in default to undergo two months simple imprisonment. Against which, the petitioner preferred an appeal in C.A.No.657 of 2024 along with a petition in Crl.M.P.No.24995 of 2024 seeking suspension of sentence.

3. On 05.09.2024, the learned Principal Sessions Judge, while suspending the sentence imposed on the petitioner, directed her to deposit 20 % of the compensation amount before the trial Court within sixty days from the date of the said order. Thereafter, since the petitioner failed to comply with the said condition, the respondent has filed an application in Crl.M.P.No.33725 of 2024 seeking to cancel the suspension of sentence granted to the petitioner. The Appellate Court, vide order dated 07.07.2025, allowed the petition and cancelled the suspension of sentence granted to the petitioner for non-compliance of the conditional order. Aggrieved by the same, the present petition has been filed.

4. It is the contention of the learned counsel for the petitioner that



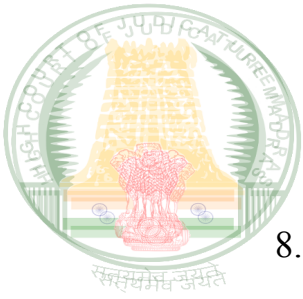
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the petitioner is ready to settle the matter and that since the amount could not be deposited within the specified time, the suspension of sentence granted to the petitioner was vacated and a non-bailable warrant came to be issued against her. However, now she is ready to deposit the amount if further time is granted to the petitioner and is also willing to settle the issue. Hence, he prayed that the order dated 07.07.2025 may be set aside.

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

6. Considering the nature of the case and taking note of the submissions made by the learned counsel for the petitioner, 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 20 % of the compensation amount before the trial Court, as imposed by the appellate Court in Crl.M.P.No.24995 of 2024 in C.A.No.657 of 2024 dated 05.09.2024, is extended for a further period of **two weeks from today**.



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8. On such deposit being made by the petitioner, the order passed by the appellate Court dated 07.07.2025, cancelling the suspension of sentence granted earlier on 05.09.2024, shall stand revoked and the non-bailable warrant shall be recalled.

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

06.10.2025

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Neutral Citation: Yes/No

To

1. The XVII Additional District and Sessions Judge, Chennai.
2. The Metropolitan Magistrate, FTC-V, Saidapet, Chennai.



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N. SATHISH KUMAR, J.

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