



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 29069 of 2025

R.Mythili @ Divya

Petitioner(s)

Vs

A.Bharani

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to set-aside the order Dt.11.09.2025 in CrI.M.P.No.8308 of 2025 of the XVI Additional City Civil Judge, Chennai and to direct the XVI Additional City Civil Judge, Chennai to consider the exemption of 20% deposit of compensation amount and to restore the suspension of sentence ordered in CrI.M.P.No.1 of 2025 in C.A.o.758 of 2025 Dt. 16.06.2025 pending adjudication of appeal.

For Petitioner(s): Ms. R. Sobiya
 for
 Mr. S.Mohanavadivelan

**ORDER**

WEB COPY This Criminal Original Petition has been filed seeking to set aside the order passed by the learned XVI Additional District Judge, City Civil Court, Chennai in Crl.M.P.No.8308 of 2025 dated 11.09.2025 and thereby to restore the suspension of sentence ordered in Crl.M.P.No.1 of 2025 dated 16.06.2025, and to modify the condition relating to the deposit of compensation .

2. According to the petitioner, she was convicted and sentenced by the learned Metropolitan Magistrate, Fast Track Court-II, Egmore at Allikulam, Chennai, in STC No. 6676 of 2024 for the offence under Section 138 of the Negotiable Instruments Act. The petitioner was sentenced to undergo six months simple imprisonment and directed to pay a sum of Rs.6,12,000/- as compensation to the complainant within 30 days, in default to undergo two months simple imprisonment.

3. Aggrieved by the said conviction and sentence, the petitioner had preferred an appeal in C.A.No.758 of 2025 before the learned Principal Sessions



Judge, Chennai, along with a petition for suspension of sentence in Crl.M.P.

No. 1 of 2025. The learned Appellate Judge, by an order dated 16.06.2025,

suspended the sentence on condition that the petitioner shall deposit 20% of the compensation amount before the Trial Court in STC No.6676 of 2024 within a period of 60 days.

4. Since the petitioner was unable to deposit 20% of the compensation within the stipulated period, she filed a petition in Crl.M.P.No.8308 of 2025 seeking extension of time. The said petition was allowed by order dated 03.09.2025, extending the time till 11.09.2025. However, as the petitioner again failed to comply with the said order, the learned First Appellate Judge, by order dated 11.09.2025, dismissed the petition and consequently cancelled the bail granted in Crl.M.P.No.1 of 2025 dated 16.06.2025.

5. Ms. R. Sobiya, learned counsel for the petitioner, submitted that the petitioner is a single parent of two young children, her husband having passed away. It is further submitted that she is earning only a meagre income and was, therefore, unable to raise the required funds within the stipulated period. If a



further period of one month is granted, the petitioner would be in a position to deposit the amount as directed by the Appellate Court.

6. Considering the facts and circumstances of the case, and taking into account the fact that the petitioner is a single parent, who has to raise funds, this Court is inclined to grant further time to the petitioner for deposit of 20% of the compensation amount .

7. Accordingly,

(i) The order dated 11.09.2025 passed in Crl.M.P.No.8308 of 2025 by the learned XVI Additional District Judge, City Civil Court, Chennai, is set aside.

(ii) The order of suspension of sentence passed in Crl.M.P.No.1 of 2025 dated 16.06.2025 stands restored.

(iii) The petitioner shall deposit 20% of the compensation amount to the credit of STC No.6676 of 2024 on the file of the Metropolitan Magistrate, Fast Tract Court-II, Egmore @ Allikulam, Chennai, within a period of one month from the date of receipt of a copy of this order.



8. With the above observations and directions, this Criminal Original

Petition is allowed

27-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

1. The Principal Sessions Judge,
City Civil Court,
Chennai.
2. The XVI Additional District Judge,
City Civil Court,
Chennai.
3. The Metropolitan Magistrate, FTC-II,
Egmore @ Allikulam,
Chennai.



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A.D.JAGADISH CHANDIRA J.

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