



CrI.O.P.No.29687 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM:

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

CrI.O.P.No.29687 of 2025

S.A.Saleem

... Petitioner

Vs.

Abdul Rahman

... 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 order dated 16.10.2025 in M.P.No.1 of 2025 in C.A.No.1258 of 2025, on the file of the learned XXI Additional Sessions Judge, Allikulam, Chennai.

For Petitioner : Mr.G.Kalyan Jhabakh
Assisted by Mr.J.Ranjith Kumar
for M/s.Surana and Surana

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the XXI Additional Sessions Court, Allikulam, Chennai, dated 16.10.2025, in M.P.No.1 of 2025 in C.A.No.1258 of 2025, dismissing the petition seeking suspension of sentence.



2. The submissions of the learned counsel appearing for the petitioner 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 XXXV Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennai, in S.T.C.No.353 of 2025.

2.2. On 08.10.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo one year simple imprisonment and further directed him to pay a sum of Rs.50,00,000/- as compensation within 30 days, in default to undergo two months simple imprisonment.

2.3. Due to his illness, the petitioner was unable to appear before the trial Court on the date of judgment. However, within three days from the date of judgment i.e., on 11.10.2025, the petitioner preferred an appeal in C.A.No.1258 of 2025 along with a petition in M.P.No.1 of 2025 seeking suspension of sentence.

2.4. On 16.10.2025, the learned XXI Additional Sessions Judge, Chennai holding that the petitioner did not appear before the trial Court on the date of judgment, dismissed the petition seeking suspension of sentence.



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2.5. The petitioner has got a good case on merits and without prejudice to his rights and contentions, he is willing to deposit 20 % of the compensation amount. The petitioner also undertakes to cooperate for the early disposal of the appeal without causing any delay. Hence, he prayed to set aside the order passed in M.P.No.1 of 2025 and to grant suspension of sentence.

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

4. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to suspend the sentence granted to the petitioner on certain conditions.

5. Accordingly, the order passed by the learned XXI Additional Sessions Judge, Chennai, in M.P.No.1 of 2025 in C.A.No.1258 of 2025, dated 16.10.2025, is set aside and the sentence of imprisonment imposed on the petitioner in S.T.C.No.353 of 2025 dated 08.10.2025 is suspended on the following conditions :



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- i. The petitioner/appellant shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned XXXV Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennai;
- ii. The petitioner/appellant shall deposit 20 % of the compensation amount to the credit of S.T.C.No.353 of 2025, on the file of the learned XXXV Metropolitan Magistrate, FTC-II, Egmore, Allikulam, Chennai, within a period of **two weeks** from the date of receipt of a copy of this order;
- iii. The petitioner/appellant shall appear before the Appellate Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

6. With the above observations, this Criminal Original Petition stands disposed of.

31.10.2025

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Neutral Citation:Yes/No



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To
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1. The XXI Additional Sessions Judge,
Allikulam, Chennai.
2. The XXXV Metropolitan Magistrate,
FTC-II, Egmore, Allikulam, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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