



Crl.OP.No.30279 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2025

CORAM:

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

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Murali Krishnan

...Petitioner

Vs.

Ramesh

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the adjudication order dated 10.09.2025 in Crl.A.No.406 of 2025 passed by the II Additional Sessions Court, Chennai and extend the time for depositing 20% of the cheque amount as directed while suspending the sentence in Crl.MP.No.1 of 2025 in Crl.A.No.406 of 2025 pending before the II Additional Sessions Court, Chennai.

For Petitioner : Mr.M.Illiyas

ORDER

This criminal original petition has been filed seeking quashment of the order dated 10.09.2025 passed in Crl.A.No.406 of 2025 on the file of the II Additional Sessions Court, Chennai and to consequently, extend the time for



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depositing 20% of the cheque amount as directed by the lower appellate court, while suspending the sentence imposed on the petitioner, vide order dated 26.03.2025 made in Crl.MP.No.1 of 2025 in Crl.A.No.406 of 2025.

2. Facts in brief:-

2.1 The respondent/complainant filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 in STC.No.2734 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town at Chennai and the trial court, vide order dated 20.02.2025 convicted the petitioner for the offence under Section 138 of the NI Act and sentenced him to undergo five months simple imprisonment and further directed him to pay a sum of Rs.7,00,000/- along with interest at the rate of 3% per annum as compensation in favour of the respondent/complainant, in default to undergo simple imprisonment for a further period of one month.

2.2 Aggrieved by the same, the petitioner preferred an appeal before the Principal Sessions Court, Chennai in Crl.A.No.406 of 2025 along with Crl.MP.No.1 of 2025 seeking suspension of sentence and the learned I Additional Sessions Judge, vide order dated 26.03.2025 suspended the



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sentence imposed on the petitioner till the disposal of the above appeal on condition that the petitioner deposits 20% of the compensation amount before the trial court to the credit of STC.No.2734 of 2023 within 60 days from the date of the said order, failing which, the suspension of sentence petition will stand dismissed.

2.3 Subsequently, the II Additional Sessions Court (FAC), City Civil Court, Chennai on 10.09.2025 passed the following order:

“Appellant absent. Petition u/s. 355 BNSS filed and dismissed. Condition order of Principal Judge is not complied with. Hence the suspension of sentence is hereby revoked and the Trial Court is directed to execute the Committal Warrant and report by 08.10.2025.”

2.4 Challenging the same, the petitioner has come up with this petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that due to his penurious condition, the petitioner was unable to raise funds to comply with the condition imposed by the lower appellate court while suspending the sentence imposed on the petitioner within the time stipulated by the lower appellate court. Accordingly, he prayed for setting aside the said impugned order dated 10.09.2025.



4. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials placed on record.

5. The summation of facts narrated above is not controverted.

6. It is pertinent to note that if the petitioner is not able to comply with any of the conditions imposed by the lower appellate court, he should have filed an appropriate petition seeking extension of time, citing reasons for delay under principles of justice and must have shown sufficient cause for not meeting conditions, as the court has discretion to manage its own orders, balancing justice with procedural compliance and if the court concerned had been satisfied, appropriate time would have been granted. However, in the present case, the petitioner failed to seek extension before the lower appellate court before the time granted by the lower appellate court to comply with the conditional order and thereby, on expiry of the time granted, in the absence of any interim/restraint order, the present impugned order came to be passed revoking the suspension of sentence and a further



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direction was also issued to the trial court to execute the committal warrant.

In the opinion of this Court, the petitioner had directly/unnecessarily approached this Court by way of filing the present petition, seeking quashment of the subsequent order revoking the suspension of sentence, which is not sustainable and if such petitions are entertained, others would take it as a precedent and approach this Court for similar relief. Hence, this Court is not inclined to entertain the present Criminal Original Petition.

7. For the foregoing reasons, this criminal original petition is dismissed. However, liberty is granted to the petitioner to work out his remedy before the Court below, in the manner known to law.

06.11.2025

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

The II Additional Sessions Court,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

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