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CRL OP No.34041 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 34041 of 2025

R.S. Shagul Hameed
S/o.Sagabdeen, Door No. 2/18A,
Nehru Street, M.A.Nagar, Redhills,
Chennai- 600 052.

Petitioner/Accused

Vs

G.Ramachandran (Died)

1.Kalayani,
W/o Late Mr.G.Ramachandran,
D.No.1/1199, Perumal Koil Street,
Vilangadupakkam Post,
Sothupakkam Village,
Redhills, Chennai – 600 052.

2.Karunakaran
S/o Late Mr.G.Ramachandran,
D.No.1/1199, Perumal Koil Street,
Vilangadupakkam Post, Sothupakkam
Village, Redhills, Chennai.
Rep by his Power of Attorney Agent,
Mr.R.Jayakanthan, S/o G.Rajendran.

Respondent(s)/Complainant

PRAYER: Criminal Original Petition filed under Sections 482 of Cr.P.C.,
praying to set aside the order of return in CrI.M.P.SR.No.609 of 2024 in
CrI.M.P.No.3035 of 2024 on the file of the learned IV Additional District and
Sessions Court at Ponneri and further to extend the time by another one week to
deposit 20% cheque amount before the trial court in CrI.M.P.No.3035 of 2024 in
C.A.No.105 of 2024 dated 18.06.2024.



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For Petitioner : Mr.R.Ganesh Kumar
for Mr.R.Rajasekaran

For Respondents :

ORDER

The Criminal Original Petition has been filed to set aside the order of return in Crl.M.P.SR.No.609 of 2024 in Crl.M.P.No.3035 of 2024 on the file of the learned IV Additional District and Sessions Court at Ponneri and further to extend the time by another one week to deposit 20% cheque amount before the trial court as directed in Crl.M.P.No.3035 of 2024 in C.A.No.105 of 2024 dated 18.06.2024.

2.The petitioner/accused in S.T.C.No.197 of 2019 was convicted by the trial Court by the judgment dated 16.04.2024 for offence under Section 138 of the Negotiable Instruments Act, against which, the petitioner preferred an appeal in Crl.A.No.105 of 2024 before the learned Principal District and Sessions Judge, Tiruvallur and filed a petitioner under Section 389(1) of Cr.P.C. seeking suspension of sentence. The learned Principal District and Sessions Judge, by an order dated 18.06.2024, admitted the appeal and suspended the sentence of the petitioner with a condition that the petitioner to deposit 20% of the compensation amount before the trial Court to the credit of S.T.C.No.197 of



2019 within a period of sixty (60) days. Thereafter, the case was transferred to the file of IV Additional District and Sessions Court, Ponneri. Thereafter, the petitioner filed a petition under Section 148(2) of the Negotiable Instruments Act seeking extension of time for the reason that he was unable to mobilise a sum of Rs.9,00,000/-, which is 20% of the cheque amount, within the stipulated period. He further submitted that the Lower Appellate Court returned the memo on 13.08.2024 and not entertained the petition. Hence, the above petition is filed.

3.The learned counsel for the petitioner produced a copy of the Demand Draft for a sum of Rs.9,00,000/-. In view of the above, this Court is inclined to condone the delay. The petitioner is directed to deposit the amount of Rs.9,00,000/- to the credit of S.T.C.No.197 of 2019 on the file of Judicial Magistrate No.II, Ponneri, within a period of one week from the date of receipt of a copy of this order. The said amount to be received and credited to S.T.C.No.197 of 2019.

4. It is seen that the petitioner had complied with the conditional order dated 18.06.2024 imposed by the learned Principal District and Sessions Judge, Tiruvallur. In view of the above, the order passed in Crl.M.P.SR.No.609 of 2024 in Crl.M.P.No.3035 of 2024 dated 13.08.2024 by the learned IV Additional



District and Sessions Judge, Ponneri is set aside and the criminal appeal to be decided on its own merits.

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5. With the above directions, the Criminal Original Petition is allowed.

17.12.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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Note: Issue order copy on 18.12.2025.

To

1. The IV Additional District and Sessions Judge,
Ponneri.
2. The Judicial Magistrate No.II,
Ponneri.



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M. NIRMAL KUMAR, J.

rsi

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