



CrI.O.P.(MD)No.10779 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2025

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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V.T.R.Fuel Station,
Rep. by its Proprietor,
Vikkramathithan
S/o.Kalamegam,
10C Dealers, VC Mottur,
Valajapet,
Ranipet – 632 513.

... Petitioner

versus

Shanmugam

... Respondent

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the learned Principal District and Sessions Judge, Karur, to number and dispose of the extension petition filed by the petitioner in ATN20220000483D202400225 and ATN20220000483D20240026 dated 05.04.2024.

For Petitioner : Mr.S.Balaji



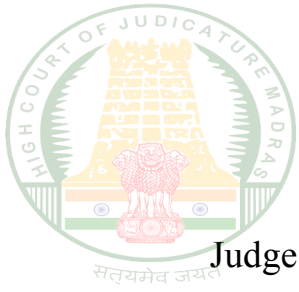
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ORDER

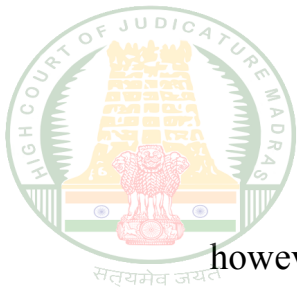
The petitioner is an accused in S.T.C.No.3419 of 2023. The learned Judicial Magistrate No.II, Karur, by a Judgment 21.12.2023, found the petitioner guilty for the offences punishable under Section 138 of the Negotiable Instruments Act, convicted and sentenced him to undergo six months simple imprisonment and directed him to pay the cheque amount of Rs.10 lakhs to the defacto complainant as compensation. As against the Judgment of conviction and sentence dated 21.12.2023, the petitioner has preferred an appeal before the Principal Sessions Court, Karur, in C.A.No.11 of 2024. The learned Principal Sessions Judge, while entertaining the appeal and suspending the sentence, on 23.01.2024, has passed an order as per Section 148(1) of the Negotiable Instruments Act, directing the petitioner/appellant to deposit a sum of Rs.2 ½ lakhs, i.e. 25 % of the cheque amount, on or before 22.02.2024. Aggrieved over the same, the petitioner has preferred a revision petition before this Court in CrI.R.C.(MD)No.204 of 2024 on 07.02.2024 and the same was withdrawn on 26.02.2024. Thereafter, the petitioner filed an application before the Principal District and Sessions



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Judge, Karur, seeking extension of time for paying 25% as directed by the Court on 05.04.2024, through e-filing. However, the said application has not been entertained by the Principal District and Sessions Court. Thereafter, the petitioner has moved this petition in the month of June 2025 seeking a direction to the Principal District and Sessions Court to number and dispose of the extension petition filed by the petitioner in ATN20220000483D202400225 and ATN20220000483D20 240026 dated 05.04.2024.

2. The learned counsel for the petitioner, by referring to the provisions under Section 148(2) of the Negotiable Instruments Act, submits that the amount as directed by the Principal District and Sessions Court, Karur, while entertaining the criminal appeal as per Section 148(1) of the Negotiable Instruments Act, shall be deposited within 60 days from the date of order. However, the time limit provided to the petitioner was only for 30 days. He further submits that the petitioner has also challenged the order dated 23.01.2024 by way of filing a revision petition before this Court in time, i.e. on 07.01.2024 and the same was also entertained by this Court in CrI.R.C.(MD)No.204 of 2024,



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however, it was dismissed as withdrawn on 26.02.2024, when the matter was taken up for final disposal.

3. The learned counsel for the petitioner has also referred to the provisions available under Section 148(2) of the Negotiable Instruments Act, enabling the Court to provide 30 more days for complying with the order passed under Section 148(1) of the Negotiable Instruments Act. Therefore, the learned counsel for the petitioner submits that the petitioner is having 90 days' time for depositing the amount. The petitioner has filed a revision petition before this Court on 07.02.2024, challenging the order dated 23.01.2024 and after the dismissal of the criminal revision on 26.02.2024, he also filed extension application before the Principal District and Sessions Court on 05.04.2024. Therefore, according to him, the petitioner has filed the extension petition before the Principal District and Sessions Court, well within the time as prescribed under Section 148(2) of the Negotiable Instruments Act. However, the learned Principal District and Sessions has not entertained the same. Therefore, the petitioner is before this Court.

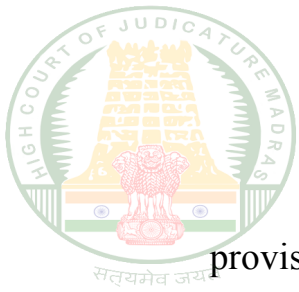


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4. This Court considered the submissions made by the learned counsel for the petitioner.

5. The petitioner has relied upon a receipt for filing of the extension application before the Principal District and Sessions Court, on 05.04.2024. The petitioner has also challenged the order of the learned Principal District and Sessions Judge dated 23.01.2024 by way of filing a revision petition before this Court on 07.02.2024 and he has persuaded the same, however, it was dismissed as withdrawn on 26.02.2024. Therefore, the petitioner ought to have persuaded the extension application filed under the provisions of Section 148(2) of the Negotiable Instruments Act, before the Principal District and Sessions Court, Karur. Now, it is the grievance of the petitioner that the Principal District and Sessions Court, Karur, has not numbered the extension petition filed by the petitioner.

6. This Court is not aware as to whether the extension application filed by the petitioner is in order or whether the petitioner has followed it in a proper manner. However, in the interest of justice and in view of the



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provisions available under Section 148(2) of the Negotiable Instruments

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Act, this Court is inclined to allow this criminal petition.

7. Accordingly, this Criminal Original Petition is allowed, by granting time to the petitioner to deposit the amount as directed by the learned Principal District and Sessions Judge, Karur, in the order dated 23.01.2024, on or before 10.07.2025.

8. Considering the conduct of the petitioner in not persuading the application filed before the learned Principal District and Sessions Judge, Karur, on 05.04.2024 and in preferring this petition only in the month of July 2025, this Court directs the petitioner to deposit a sum of Rs.1 lakh in addition to the amount of 25 % of the cheque amount, to the credit of learned Judicial Magistrate No.II, Karur, in STC No.3419 of 2023, on or before 10.07.2025.

27.06.2025

Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

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To

1. The Principal District and Sessions Judge,
Karur.



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B.PUGALENDHI, J.

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