



WEB COPY

CRL RC No. 407 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 407 of 2026

and

CRL MP NO. 2025 OF 2026

S.Poongodi
D/o. Sundaram, Nurse, Valkurichi,
Town Panchayat Office Post, Kolathur
Post, Mettur Taluk, Salem District-636
303

Petitioner(s)

Vs

K.Raja
S/o. Late Kuppusamy, D.NO.15/33-A,
Nethaji Street, D.No.15/33-A, Mettur
Dam, Pon Nagar, Mettur Dam, Mettur
Taluk, Salem District-636 401

Respondent(s)

PRAYER Criminal Revision Petition filed under Section 438 of BNSS r/w 442 of BNSS, praying to call for the records culminating in Crl.M.P.No. 430/2025 in Crl.A.Sr.No.466 of 2025 on the file of the learned Principal Sessions Judge, Salem vide order dt. 19.09.2025 allow the same and pass such further order or other orders as this Honble Court.

For Petitioner : Mr.G.Munuraj

For Respondent : Mr.R.Nalliyappan

ORDER

The revision challenges the dismissal of the petitioner's application filed under Section 5 of the Limitation Act to condone the delay of 52 days in filing



the criminal appeal against the conviction under Section 138 of the Negotiable Instruments Act.

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2. The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to one year SI and to pay compensation of Rs.5,00,000/- to the respondent herein, i/d three months SI.

3. The petitioner preferred an appeal with delay. On 19.09.2025, the said petition was dismissed since both the petitioner and the respondent were absent.

4. The learned counsel for the petitioner would submit that, in view of the dismissal, his valuable right to file an appeal challenging his conviction has been denied and hence the impugned order may be set aside on any stringent conditions.

5. The learned counsel for the respondent would submit that the petitioner is due to pay Rs.5,00,000/- and that any stringent condition may be imposed on the petitioner.

6. In view of the aforesaid submissions and since the petitioner has a right to challenge the judgment of conviction, this Court is inclined to set aside the



impugned order and condone the delay in filing the appeal on condition that the petitioner deposits a sum of Rs.1.5 lakh to the credit of C.C.No.251 of 2024.

The Appellate Court shall, therefore, number the appeal and decide the appeal on merits.

7. It is needless to state that the above condition shall hold good for any suspension of sentence petition filed by the petitioner before the Appellate Court.

8. The respondent is permitted to withdraw the said amount, provided that the respondent files an undertaking before the Trial Court stating that, if the petitioner succeeds in the appeal, the respondent shall return the said amount to the petitioner. The Appellate Court may consider expeditious disposal of the appeal.

9. With the above observations, this Criminal Revision Case stands disposed of. Consequently, the connected miscellaneous petition is closed.

19-02-2026

cda



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SUNDER MOHAN J.

cda

To

The Principal Sessions Judge, Salem.

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19-02-2026