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CRL OP No. 4988 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 4988 of 2026

Rajinikanth
S/o, Raju,
Govt. Siddha Dispensary,
No.119, Bells Road, Triplicane,
Chennai – 600005.

Petitioner(s)

Vs

P.Velusamy
S/o. Palanisamy,
No.2/40, 10th Street,
J.D.Durairaj Nagar, Aminjikarai,
Chennai – 600029.

Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to set aside the order passed in CrI.M.P.No.7 of 2026 in CrI.A.No.1275 of 2025 by the learned VI Additional Sessions Judge, Chennai.

For Petitioner(s): Mr.Swamisubramanian

For Respondent(s):



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ORDER

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The petitioner/accused in C.C.No.9806 of 2024 was convicted by the trial Court by judgment dated 18.09.2025 for offence under Section 138 of the Negotiable Instruments Act (N.I. Act) and sentenced to undergo one year simple imprisonment and to pay the cheque amount of Rs.7,00,000/- as compensation. Aggrieved against the same, the petitioner preferred an appeal in Crl.A.No.1275 of 2025 before the learned VI Additional Sessions Judge, City Civil Court, Chennai and filed a petition seeking suspension of sentence in Crl.M.P.No.10113 of 2025. The learned Sessions Judge, by order dated 23.10.2025, suspended the sentence of the petitioner with certain conditions. Apart from other conditions, the petitioner was directed to deposit 20% of the compensation amount within a period of 60 days. During this proceedings, the petitioner filed a petition under Section 317 Cr.P.C. in Crl.M.P.No.7 of 2026 in Crl.A.No.1275 of 2025. The Lower Appellate Court, by order dated 20.01.2026, dismissed the petition and further on 10.02.2026 ordered the trial Court to execute the conviction warrant and to report on or before 30.03.2026. Challenging the said order, the present petition is filed.



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2.The learned counsel for the petitioner without going into the merits of his case and challenging the order of conviction submitted that the petitioner complied with the order passed by the Lower Appellate Court in Crl.M.P.No.10113 of 2025. The petitioner had already taken a Demand Draft bearing No.007780 dated 19.01.2026 for Rs.1,40,000/- (20% of the compensation amount) drawn on State Bank of India, Chennai favouring Chief Metropolitan Magistrate, Egmore, Chennai. The learned counsel submitted that the petitioner presented the petition under Section 317 Cr.P.C. on 20.01.2026 along with the copy of this demand draft, but the Lower Appellate Court not considered the same and dismissed the petition.

3.Considering the submissions made and on perusal of the impugned order passed by the learned VI Additional Sessions Judge in Crl.M.P.No.7 of 2026 along with the case status report and photostat copy of demand draft produced, it is seen that the petitioner had already taken demand draft as ordered by the Lower Appellate Court. In view of the same, in all fairness, the Lower Appellate Court ought to have considered the submissions of the petitioner. The appeal is at the initial stage and dismissing the petition under Section 317 Cr.P.C. and further ordering execution of the conviction warrant would amount to pre-determining the case, which would not be proper.



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4. In view of the above, the petitioner is directed to submit the original Demand Draft before the concerned Court along with this order copy and the same to be received by the concerned Court. Thereafter the petitioner to produce the proof of the same before the VI Additional Sessions Judge, City Civil Court, Chennai, who shall on being satisfied to recall the order passed on 10.02.2026. Till such time, the impugned order dated 20.01.2026 shall be kept in abeyance.

5. With the above directions, the Criminal Original Petition stands disposed of.

03-03-2026

Index : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No
rsi

Note: Issue order copy on 03.03.2026.



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To

1. The VI Additional Sessions Judge,
City Civil Court, Chennai.
2. The Metropolitan Magistrate,
Fast Track Court-II (Magisterial Level),
Egmore @ Allikulam, Chennai.
3. The Chief Metropolitan Magistrate,
Egmore, Chennai.



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M.NIRMAL KUMAR, J.

rsi

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