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CRL OP No. 14185 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14185 of 2026

Mrs.Qubarz Sultana

Petitioner(s)

Vs

A.Athilingam(Died)

Respondent(s)

PRAYER Petition filed under Section 528 of BNSS, praying to set aside the order dated 08.04.2026 passed in Crl.App.No.1358 of 2025, on the file of the Learned III Additional City Civil and Sessions Judge, Chennai.

For Petitioner(s): P.Premkumar

ORDER

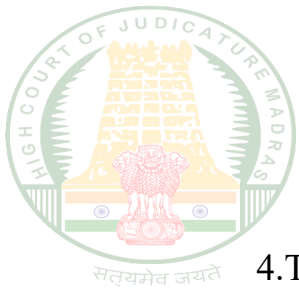
The Petitioner/Accused was convicted by the Trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act in C.C. No. 4794 of 2021, by judgment dated 24.09.2025. Aggrieved by the same, the Petitioner preferred an appeal in C.A. No. 1358 of 2025 and filed a petition for suspension of sentence in Crl.M.P. No. 12056 of 2025. The learned Sessions Judge, by order dated 10.12.2025, admitted the appeal and suspended the



sentence, directing the Petitioner to execute the sureties on or before 17.01.2026. The Petitioner was further directed to deposit 15% of the cheque amount of Rs.15,00,000/-, to the credit of C.C. No. 4794 of 2021 within a period of sixty days.

2.Since the Petitioner was unable to make the said deposit within the stipulated period of sixty days, he filed an Extension Petition in Crl.M.P. No. 1977 of 2026. The learned Sessions Judge, by order dated 23.02.2026, extended the time for compliance till 09.03.2026. Even after such extension, the Petitioner was unable to mobilize funds and deposit 15% of the cheque amount as directed by the Court. Therefore, the Petitioner reported the same and sought a further extension of time.

3.However, the learned Sessions Judge, by order dated 08.04.2026, observed that the amount directed to be deposited in the order passed in the suspension of sentence petition had not been deposited and that notice batta had also not been paid to the Respondent. Hence, the learned Sessions Judge revoked the order of suspension of sentence and ordered issuance of a non-bailable warrant against the Appellant. Aggrieved by the said order dated 08.04.2026, the present petition has been filed before this Court.



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4.The learned counsel for the Petitioner submitted that the case is posted before the lower appellate Court on 10.06.2026. The Petitioner has today produced a copy of the Demand Draft for Rs.2,25,000/- which is 15% of the compensation amount of Rs.15,00,000/-.

5.In view of the above, the order revoking the suspension of sentence and the non-bailable warrant issued against the Petitioner are hereby set aside. The Petitioner is directed to deposit the Demand Draft to the credit of C.C. No. 4794 of 2021 on the file of the Trial Court within a period of ten days. On such deposit within the stipulated time, the trial Court is directed to receive the same and appropriate the amount to the credit of C.C. No. 4794 of 2021.

6.Accordingly, this Criminal Original Petition stands allowed.

09-06-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

III Additional City Civil and Sessions Judge, Chennai.



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M.NIRMAL KUMAR J.

SSR

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