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Crl.O.P.No.16042 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. No. 16042 of 2026

S. Ghorl Mohamed

... Petitioner

Vs.

Andrew Thomas,
Proprietor, M/s. Southern Marine Junction,
No.3, TYS Street, Kamaraj Nagar, Redhills,
Chennai – 600 052.

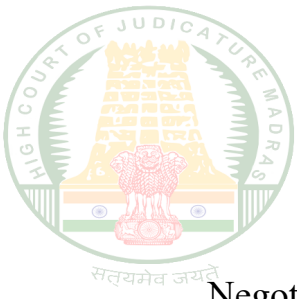
... Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed by the XX Additional City Civil Court in Crl.M.P.No.3 of 2026 dated 30.04.2026 and grant an extension of time for depositing the mandatory 20% of the cheque amount as directed by this Court, within such further period.

For Petitioner : Mr. S. Absar Khan

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the XX Additional City Civil Court in Crl.M.P.No.3 of 2026, dated 30.04.2026, and to grant the petitioner an extension of time to deposit the mandatory 20% of the cheque amount.



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2. The petitioner / accused in a case under Section 138 of the Negotiable Instruments Act was convicted by the trial Court in S.T.C.No.9239 of 2024, on the complaint lodged by the respondent, by judgment dated 06.10.2025 and was sentenced to undergo one year simple imprisonment and to pay a sum of Rs.14,00,000/- as compensation. Aggrieved by the said conviction and sentence, the petitioner preferred an appeal before the Sessions Court in C.A.No.167 of 2026. Along with the appeal, he filed CrI.M.P.No.1 of 2026 seeking suspension of sentence. By order dated 06.02.2026, the Sessions Judge admitted the appeal, suspended the sentence, directed the petitioner to execute a bond with two sureties, and further directed him to deposit 20% of the compensation amount within 60 days. However, the petitioner was unable to mobilize the said amount.

2.1. Thereafter, the petitioner filed M.P.No.2 of 2026 seeking extension of time to comply with the deposit condition. By order dated 08.04.2026, the Sessions Judge granted three weeks further time from 08.04.2026. Subsequently, the petitioner filed M.P.No.3 of 2026 seeking extension of time to comply with the said condition. By order dated 30.04.2026, the Sessions Judge granted a further period of one week.

2.2. Thereafter, on 05.06.2026, finding that the petitioner had failed to



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comply with the condition of depositing 20% of the compensation amount, the Sessions Judge issued a Non-Bailable Warrant against him and posted the appeal for the respondent's arguments on 16.06.2026. The appeal is now posted for the arguments for the appellant. However, since the NBW continues to remain in force, the petitioner is unable to appear before the appellate Court and advance his arguments.

2.3. It is submitted that the petitioner has now mobilized a sum of Rs.2,80,000/- and undertakes to deposit the said amount within two weeks.

3. Considering the submissions made by the learned counsel for the petitioner and upon perusal of the materials available on record, this Court is inclined to grant the petitioner three weeks time to deposit a sum of Rs.2,80,000/- before the trial Court to the credit of S.T.C.No.9239 of 2024. Till such time, the NBW issued against the petitioner shall be kept in abeyance. In the meantime, the appellate Court can proceed with the appeal.

4. With the above directions, this Criminal Original Petition is disposed of.

25.06.2026

Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

AT

To

1.The XXXV Metropolitan Magistrate, FTC-II,
Egmore, Allikulam, Chennai.

2.The XX Additional City Civil Court, Chennai.

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25.06.2026