



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 22975 of 2025
in
CRL A SR No. 40778 of 2025

1. Radha

2. S.Jananai

Petitioner(s)

Vs

R.Maran

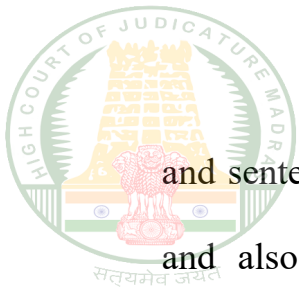
Respondent(s)

For Petitioner(s): Mr.M.G.Martinmanivannan

ORDER

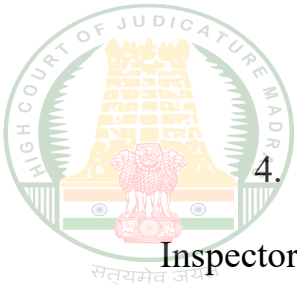
This Criminal Miscellaneous Petition has been filed seeking to condone the delay of 2 days in filing the Criminal Appeal Petition against the impugned order dated 25.04.2025 passed in CrI.A.No.266/2023 by the learned XVI Additional Sessions Judge, City Civil Court, Chennai.

2. The first petitioner's husband, as the complainant, had filed a petition under Section 138 of the Negotiable Instruments Act in C.C.No.275 of 2016. The trial Court by judgement dated 10.04.2023 had convicted the respondent



and sentenced him to undergo simple imprisonment for a period of six months and also ordered to pay a sum of Rs.6,50,000/- as compensation to the complainant, in default to undergo simple imprisonment for a period of one month.

3. Aggrieved by the said judgment, the respondent preferred an appeal in Crl.A.No.266 of 2023 before the Principal Sessions Judge, Chennai. At the time of admission of the appeal, the respondent also filed a Criminal Miscellaneous Petition, seeking suspension of sentence. The lower Appellate Court directed the respondent to deposit 20% of the cheque amount i.e., Rs.2,00,000/-, which was duly deposited. Thereafter, proceeded with the appeal. By judgement dated 25.04.2025, the lower appellate Court allowed the appeal by setting aside the conviction. (It is to be noted that pending the appeal in Crl.A.266 of 2023, the complainant died, following which, his wife and daughter were impleaded as respondents). Challenging the same, the complainant's wife and daughter have preferred the present appeal, with a delay of 2 days. Hence, private notice was ordered. Despite the earnest steps taken, notice could not be served on the respondent.



4. This Court, by order dated 12.06.2026, directed the jurisdictional Inspector of Police to serve the summons on the respondent and ensure his presence. Pursuant thereto, the Inspector of Police, Nandhampakkam Police Station had submitted a report along with the report of Village Administrative Office, dated 25.06.2026, stating that R.Maran, son of Ramalingam, is not presently residing at Door No.84/125 Defence Colony, Chennai.

5. Thereafter, notice has been served on the respondent and the proof of service has also been filed. Despite such service, neither the respondent nor the counsel has entered appearance.

6. In view of the above, this Court is satisfied that a sufficient cause has been shown for condoning the delay of 2 days in filing the Criminal Appeal. It is also to be noted that the respondent has no serious objection in allowing this Criminal Miscellaneous Petition. Accordingly, this Criminal Miscellaneous Petition is ordered.

7. Registry is directed to number the Criminal Appeal, if it is otherwise in order and list the matter in the admission list.

29-06-2026

Jd



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M.NIRMAL KUMAR J.
jd

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