



WEB COPY

CRL OP No. 2130 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 2130 of 2026

S.Sriram Kumar

..Petitioner

Vs

P.Preethi

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the docket order dated 08.08.2025 in Criminal Appeal No.376/2025 on the file of the VI Additional Sessions Court at Chennai, filed on 28.07.2025 by the petitioner within time as stipulated by this court and to direct the VI Additional Sessions Court at Chennai to consider and dispose the same warrant recall application and surrender application filed by the petitioner.

For Petitioner : Mr.M.Saravanakumar

ORDER

This Criminal Original Petition is filed to set aside the docket order dated 08.08.2025 in Criminal Appeal No.376/2025 on the file of the VI Additional Sessions Court at Chennai, filed on 28.07.2025 by the petitioner within time and to direct the VI Additional Sessions Court at Chennai to consider and dispose of the warrant recall application and surrender application filed by the petitioner.



2. The learned counsel appearing for the petitioner submitted that the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.5171 of 2024 on the file of the learned Metropolitan Magistrate, FTC-II, Egmore at Allikulam, Chennai, and sentenced to undergo one year simple imprisonment and to pay a sum of Rs.9,00,000/- as compensation to the complainant within 30 days, in default, to undergo two months simple imprisonment by judgment dated 01.02.2025. Challenging the said judgment, the petitioner filed an appeal in C.A.No.376 of 2025 before the learned Principal Sessions Judge at Chennai. Along with the appeal, the petitioner filed a petition in CrI.M.P.No.1 of 2025 in C.A.No.376 of 2025 to suspend the sentence pending disposal of the appeal and the said petition was allowed on 18.03.2025 and the sentence of imprisonment imposed on the petitioner was suspended till the disposal of the appeal and the petitioner was ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate, FTC-II, Egmore at Allikulam, Chennai on or before 25.03.2025 with further direction to deposit 20% of the cheque amount before the trial Court to the credit of STC within six days from the date of the order. However, due to financial constraints and illness, the petitioner was unable to pay the amount within time and thereby, he could not comply with the conditional order. Therefore, the petitioner filed applications for extension of time and to recall warrant along with advance hearing petition. However, the learned VI



Additional Sessions Judge, by docket order, dated 08.08.2025, had returned the same. He further submitted that the petitioner is now ready to deposit the amount as directed by the appellate Court immediately within a period of one week.

3. Perused the order of return dated 08.08.2025 passed by the leaned VI Additional Sessions Judge, Chennai.

4. On perusal of the docket order dated 08.08.2025, it is found that the learned VI Additional Sessions Judge had returned the petitions only with an endorsement that "The petitions to be filed along with affidavit. Hence, returned." Therefore, the petitioner is directed to re-present the petitions along with affidavit and Demand Draft forthwith and the learned Appellate Judge shall pass appropriate orders on the same within a period of one week thereafter.

5. With the above direction, this Criminal Original Petition stands disposed of. Registry is directed to return the original papers.

02-02-2026

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

SRM
Note: Issue order copy on 04.02.2026



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A.D.JAGADISH CHANDIRA, J.

SRM

To

The VI Additional Sessions Judge,
Chennai.

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