

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

**Present: Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFSc., PGDDF,
Principal Sessions Judge.**

Thursday, the 30th day of July, 2026.

Crl.M.P.No.3559/2026

in

C.A.SR.No.4557/2026

against

S.T.C.No.5569/2025

**(on the file of the XXXV Metropolitan Magistrate Court (FTC-II), Egmore @
Allikulam, Chennai)**

M. Jithesh Kumar,
S/o. Manoharan

...Petitioner / Appellant / Accused.

Vs.

G. B. Ghewar Chand,
S/o. Late. Bheraham

...Respondent / Respondent / Complainant.

This petition coming on 16.07.2026 before this court for hearing in the presence of M/s. Anoj Elangovan, Manne Ramya, Sathriyan K, the counsel for the petitioner and of M/s. T. Ramesh Kumar, the counsel for the respondent and upon hearing both sides and upon perusal of case-records and having stood over till this day, this Court delivered the following:

ORDER

1. Petition to condone the delay of 35 days in filing the criminal appeal.

2. The learned counsel for the petitioner submitted that the petitioner/accused has preferred the Criminal Appeal against the judgment dated 02.02.2026 passed in S.T.C. No. 5569 of 2025 on the file of the Learned XXXV Metropolitan Magistrate Court (FTC-II), Egmore at Allikulam, Chennai, convicting him under Section 138 of the Negotiable Instruments Act and sentencing him to undergo six months simple imprisonment along with a compensation order of Rs.1,52,120/-. The petitioner states that he was absent during the final stages of the trial and failed to seek immediate suspension of sentence due to a lack of proper guidance and communication from his

previous counsel, which also led to the issuance of a non-bailable warrant. The petitioner further submits that he has a strong case on merits, pointing to material contradictions in the complainant's cross-examination regarding the loan amount, non-production of promissory notes, and lack of proof of financial capacity. Contending that the resulting delay of 35 days in preferring the appeal was neither willful nor wanton but due to these bona fide circumstances beyond his control, the petitioner prays for condonation of delay.

3. The learned counsel for the respondent contended that the petition lacks sufficient cause and is filed purely to protract proceedings and delay execution of the judgment. The respondent submits that the petitioner failed to dispute his signature on the cheque, remained absent during the argument stage despite sufficient opportunities, and failed to present his defense before the trial court. It is further submitted that the petitioner was fully aware of the judgment, and the reasons stated for the delay are vague, unsupported by documentary evidence, and reflect a negligent and lethargic attitude. The respondent has acquired a valuable right upon the expiry of limitation, and emphasizing that the statutory requirement under Section 148 of the N.I. Act to deposit 20% compensation must be complied with. Therefore the respondent prays for the dismissal of the delay petition.

4. On perusal of records, it is found that the petitioner herein is the accused in S.T.C. No. 5569 of 2025 on the file of the Learned XXXV Metropolitan Magistrate Court (FTC-II), Egmore at Allikulam, Chennai. By judgment dated 02.02.2026, the learned Magistrate convicted the petitioner under Section 138 of the Negotiable Instruments Act, sentenced him to six months simple imprisonment, and directed him to pay a compensation of Rs.1,52,120/-. Aggrieved by the said conviction and sentence, the petitioner has preferred the present Criminal Appeal. The said appeal has been preferred with a delay of 35 days. According to the petitioner, his absence during the final stages of the trial and the subsequent delay in filing the appeal occurred due to lack of proper communication and guidance from his previous counsel, who also failed to apply for suspension of sentence in time. On the other hand, the respondent contended that the delay is due to a negligent and lethargic

attitude, that the petitioner deliberately avoided the argument stage, and that no sufficient cause has been shown to condone the delay. Considering the number of days delay, the reasons stated by the petitioner and also the grounds raised by the petitioner in the grounds of appeal, this court is of the considered view that the delay has to be condoned in the interest of justice.

5. In the result, this petition is allowed.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, this the 30th day of July, 2026.

PRINCIPAL SESSIONS JUDGE.