

In the Court of II Additional Sessions Judge, Erode

Present: V.Suresh, B.A, B.L.,

II Additional Sessions Judge, Erode

Tuesday, the 30th day of June, 2026

MP.No.3 of 2026 in CrI.A.No.235 of 2025

1. M/s Sooraj Leathers

rep by its partner K.Gopu,

S/o. A.Kasi chettiyar

2. K.Gopu,

S/o. A.Kasi chettiyar

- Petitioners/Appellants

/ Vs /

B.Velmani, S/o.Balu

- Respondent/Complainant

This petition coming on 15-06-2026 before me for final hearing in the presence of Tmt.A.Suseela, Advocate appearing for the petitioner and of Thiru.R.Saravana Sethu Kumar, Advocate appearing for the respondent and upon hearing the arguments of both parties, perusing the records and having stood over for consideration till this day, this court delivers the following ;

Order

01. The petitioners have filed this petition under section 430(3) of BNSS seeking to extend the time of 30 days for depositing the modified amount and to produce sureties as ordered in MP.No.2 of 2025.

02. The averments made in the petition in brief

The petitioners were convicted u/s 138 of NI Act in STC.No.324/2023 sentencing to undergo three months simple imprisonment and to pay Rs.10,00,000/- as compensation.On 26-09-2025, the Hon'ble Principal District

Court, Erode had suspend the sentence with conditions that the petitioners shall execute a bond for Rs.10,000/- with sureties and to deposit Rs.2,00,000/- before the trial court within 60 days from the date of order. The 2nd petitioner is the sole bread winner of his family and due to the poor economic situation, he was unable to deposit 20% of cheque amount within the time limit. Hence, it is just and necessary to extend the time for depositing the modified amount before the trial court.

03. The averments made in the counter of the respondent in brief

The petition is false, frivolous, vexatious and not maintainable in law and on the facts. The respondent do not admit the petition allegations. The other convicted person has not preferred appeal. The petitioner being the appellant cannot seek for apportionment of 10% of the cheque amount that is Rs.1,00,000/- on the wrong plea that he is only liable to pay for half of the said amount. The statutory provision on this subject do not permits such apportionment of liability. The present application is nothing but a dilatory tactics being adopted by the petitioner. The suit in OS.No.55/2023 allegedly pending before the II Additional District Judge, Ranipet is no way related to the cheque complaint. It is irrelevant to mention the said suit in this application. Hence, the court may be pleased to dismiss the petition.

04. The point for determination is whether the petition has to be allowed as prayed for ?.

05. Heard both sides. This court had carefully considered the rival submissions of the both parties. Records were perused carefully.

05. The petitioner herein is the appellant in the criminal appeal. The respondent herein is the respondent in the criminal appeal. The respondent had

filed a complaint for the offences u/s 138 of NI Act against the appellant and one another partner by name K.Anandan and the same was taken on file in STC.No.324/2023 on the file of the Fast Track Court No.I, Erode. On 26-09-2025, the trial court had pronounced judgment of conviction and sentence. On aggrieved by the judgment of the trial court, the petitioners herein alone have preferred Criminal Appeal. The 3rd accused by name K.Anandan in STC.No.324 of 2023 had not preferred Criminal Appeal.

06. In MP.No.1 of 2025, the Hon'ble Principal Sessions and District Court, Erode had suspended the execution of sentence of the 2nd petitioner herein till the disposal of the Criminal Appeal on conditions. One among the conditions is that an amount of Rs.2,00,000/- shall be deposited before the trial court by the 2nd petitioner within a period of 60 days from 26-09-2025. The petitioners have not complied the conditions imposed in MP.No.1 of 2025 and the petitioners have come forward with the present petition on 25-11-2025. The petition filed by the petitioners seeking modification of the deposit amount was dismissed by this court in MP.No.2 of 2025. Admittedly, the reasons stated by the 2nd petitioner for not complying the above stated condition all are not believable and acceptable. As per section 148 of NI Act, the 60 days time could be extended by this court for further 30 days. Considering the nature of the case, this court is of view that final opportunity may be granted to the 2nd petitioner to deposit the amount. By allowing this petition no prejudice would be caused to the respondent.

In the result, the 2nd petitioner shall deposit the amount of Rs.2,00,000/- and produce sureties as ordered in MP.No.1 of 2025 on or before 30-07-2026. Failing which, this petition shall automatically stands dismissed and the trial court shall take all possible steps for execution of sentence of imprisonment.

No further petition for seeking extension of time for depositing the amount and for producing the sureties shall be entertained. The 2nd petitioner shall cooperate for quick disposal of Criminal Appeal. Accordingly, this petition is disposed off.

Directly dictated to Steno-Typist, typed by her, corrected and pronounced by me in open court on this 30th day of June, 2026.

II Additional Sessions Judge,
Erode.

Copy to

The Judicial Magistrate,
Fast Track Court I at Magisterial Level, Erode.

In the Court of II ADJ, Erode

M.P.No.3 of 2026 in

CA.No.235 of 2025

Order

Dated : 30-06-2026