



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 15572 of 2026
and Crl.M.P.No.10165 of 2026**

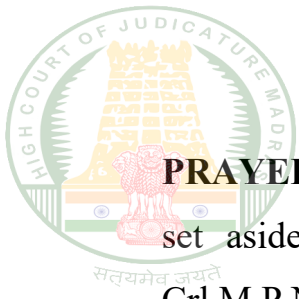
1. Aalayam Projects, Rep.by its Partners,
A2 and A3 Carrying on busines at No.14/1,
Srinivasa Complex,
Dinnur Main Road,
R.T.Nagar, Bangalore - 560 036.
2. S.Gayathiri
W/o. Siva,
Partner of Aalayam Projects,
Residing at
Mandaveli Street,
Erukkanbattu Village,
Pernambur Taluk,
Vellore District, Tamil Nadu.
3. M.Siva
S/o. Munivel.
Partner of Aalayam Projects,
Residing at
Mandaveli Street,
Erukkanbattu Village,
Pernambur Taluk,
Vellore District, Tamil Nadu.

..Petitioner(s)

Vs.

Thamaraiselvi
Special Power of Attorney Holder,
of her Husband Selvapandiyan,
S/o. Govindasamy,
Residing at No.40,LPM Street,
Vellore - 632 001. Tamil Nadu.

..Respondent(s)



PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023 to set aside the condition imposed in Para No.5(ii) of the order passed in Crl.M.P.No.118 of 2026 in Cr.A.No.2 of 2026 on the file of Vacation Judge, Vellore dated 20.05.2026, by allowing this Criminal Original Petition and pass such further or other orders.

For Petitioner(s): Mr.R.Marudhachalamurthy

For Respondent(s): Mr.M.Sivakumar

ORDER

This Criminal Original Petition is filed aggrieved by the order made in Crl.M.P.No.118 of 2026 in Cr.A.No.2 of 2026 on the file of Vacation Judge, Vellore dated 20.05.2026, in as much as the condition to deposit 20 % of the cheque amount being a sum of Rs.9,60,000/- is ordered by the Appellate Court, while suspending the sentence of the petitioners.

2. The learned counsel for the petitioners would submit that the condition imposed is onerous and he relies upon the earlier Judgment of this Court in Crl.O.P.Nos.2618 of 2024 and 34982 of 2025, whereby this Court had reduced the deposit from 20% to 10% or such other lesser amounts.

3. *Per contra*, the learned counsel appearing on behalf of the respondent would submit that it has now become the duty of the appellate forum to order the deposit of the cheque amount while ordering the suspension of sentence. Therefore, 20% has rightly been ordered by the Appellate Court. It cannot be



said as excessive or onerous.

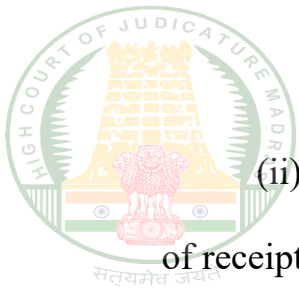
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4. I have considered the rival submissions made on either side and perused the material records of the case.

5. The learned counsel for the respondent is right in contending that the Appellate Court was right in imposing such a condition, considering the provisions of the Negotiable Instruments Act, 1881. However, in this case, hardship is pleaded by pointing out to the quantum of the cheque amount being Rs.48,00,000/- and the 20% of the cheque amount working to Rs.9,60,000/-. Therefore, considering the fact that this Court has, in similar matters, exercised its extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure in appropriate cases, and having regard to the peculiar facts and circumstances of the present case, this Court is inclined to interfere in the interest of justice.

6. Accordingly, this Criminal Original Petition is allowed on the following terms:-

(i) The condition imposed by the learned Vacation Judge, Vellore in CrI.M.P.No.118 of 2026 in Cr.A.No.2 of 2026 dated 20.05.2026 directing the petitioners to deposit, 20% of the compensation amount is modified as 10% of the compensation amount;



(ii) The aforesaid amount shall be deposited within 3 weeks from the date of receipt of a website uploaded copy of this order;

(iii) Failing which, this Criminal Original Petition shall be treated as dismissed and the Court below can proceed with the matter in accordance with law.

(iv) Consequently, the connected miscellaneous petition is closed.

01-07-2026

Neutral Citation: Yes/No

JER

To

The Vacation Judge, Vellore.



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CRL OP No. 15572 of 2



D.BHARATHA CHAKRAVARTHY, J.

JER

CRL OP No. 15572 of 2026

01-07-2026