



Crl.O.P.No.18811 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 26.08.2025**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**Crl.O.P.No.18811 of 2025**

B.Sivaganesan @ Siva Ganapathy

... Petitioner

Vs.

R.Kumar

... Respondent

**Prayer** : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to set aside the operation of the order dated 23.04.2025 passed in Crl.M.P.No.2886 of 2025 in Crl.M.P.No.29691 of 2024 in Crl.A.No.804 of 2024 passed by the learned XXI Additional Sessions Judge, City Civil Court, Allikulam, Chennai.

For Petitioner : Mr.K.Ramesh

For Respondent : Mr.R.Arumugam

**ORDER**

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Challenging the order of the learned XXI Additional Sessions Judge, City Civil Court, Allikulam, Chennai, in Crl.M.P.No.2886 of 2025 in Crl.M.P.No.29691 of 2024 in Crl.A.No.804 of 2024, dated 23.04.2025, directing release of the compensation amount of Rs.9,00,000/- deposited by the petitioner/accused to the respondent/complainant, the present Criminal Original Petition has been filed by the accused.

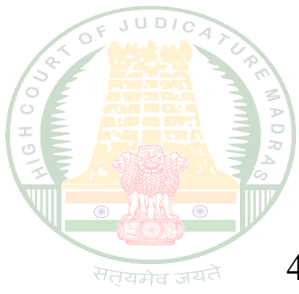
2.A complaint in C.C.No.2616 of 2018 has been filed under Section 138 of the Negotiable Instruments Act before the VIII Metropolitan Magistrate Court, George Town, Chennai, based on the cheques issued by the petitioner/accused for a total sum of Rs.2,42,00,000/-. After trial, the trial Court convicted the petitioner and sentenced him to undergo simple imprisonment for 12 months and to pay the cheque amount of Rs.2,42,00,000/- as compensation. The accused preferred an appeal in Crl.A.No.804 of 2024 before the XXI Additional Sessions Judge, City Civil Court, Allikulam, Chennai. While suspending the sentence, the Appellate Court has directed the petitioner to deposit a sum of Rs.9,00,000/- and accordingly, the petitioner/accused has deposited the said sum of Rs.9,00,000/- before the trial Court. Thereafter, the appeal in Crl.A.No.804



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of 2024 has been dismissed by the Appellate Court, by judgment dated 23.04.2025, confirming the conviction and sentence. Hence, the respondent/complainant has taken out the present application in Crl.M.P.No.2886 of 2025 seeking withdrawal of the amount of Rs.9,00,000/- deposited by the petitioner/accused. The Appellate Court, by the impugned order dated 23.04.2025, has allowed the petition. Challenging the same, the present Criminal Original Petition has been filed by the accused.

3.Learned counsel for the petitioner would submit that the judgment of the Appellate Court confirming the conviction and sentence, has been challenged before this Court in Crl.R.C.No.839 of 2025 and the same is now pending. He would further submit that, in the revision case also, the sentence has been suspended in Crl.M.P.No.11525 of 2025. It is his contention that the petitioner has fair chances of succeeding in the revision case. Hence, if the amount is ordered to be withdrawn, the same will prejudice the rights of the accused. Hence, he would pray that the impugned order has to be set aside.

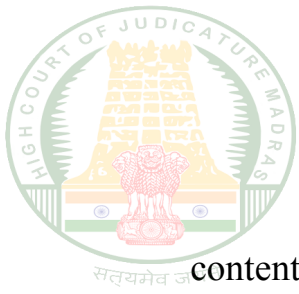


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4. Whereas, the learned counsel for the respondent/complainant brought to the notice of this Court that, this Court, while granting suspension of sentence in the revision case in Crl.R.C.No.839 of 2025, has directed the petitioner/accused to deposit a sum of Rs.1,00,00,000/-. Though this Court has granted extension of time to deposit such amount, the learned counsel would further submit that the Special Leave Petition filed by the petitioner/accused in S.L.P.(Crl.).Nos.11682 of 2025 as against the said condition of deposit of Rs.1,00,00,000/- has been dismissed by the Hon'ble Supreme Court. Hence, he would submit that the respondent/complainant has to be permitted to withdraw the amount deposited by the petitioner/accused, earlier.

5. Now, the fact remains that the revision case is pending. At this stage, an application is taken out by the complainant for withdrawal of the amount of Rs.9,00,000/- deposited by the accused as ordered by the Appellate Court while suspending the sentence. That application has been allowed. Challenging the same, this petition has been filed. The only contention of the petitioner is that he has very good chances of succeeding in the revision case. At the outset, I do not find any merit in such



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contention. Even in the event of the petitioner succeeding in the revision, the petitioner will always have the right to seek return of the amount withdrawn by the respondent/complainant. In such view of the matter, let the respondent give necessary undertaking that he will re-deposit the amount, whenever required by the trial Court, in the event the revision goes against him. However, the order of the Appellate Court permitting withdrawal of the deposit made by the petitioner/accused, needs no interference.

6. Accordingly, this Criminal Original Petition is dismissed with the above directions.

**26.08.2025**

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Internet : Yes

Index : Yes / No

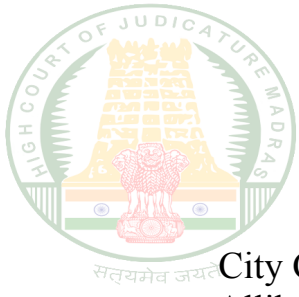
Speaking order : Yes / No

Neutral Citation : Yes / No

To

1. The XXI Additional Sessions Judge,

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City Civil Court,  
Allikulam, Chennai.

2.The VIII Metropolitan Magistrate,  
George Town, Chennai.

**N. SATHISH KUMAR, J.**

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