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CrI.O.P.No.20850 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.20850 of 2025

S.Jeyachandran

... Petitioner

Vs.

S.Karthikeyan

... Respondent

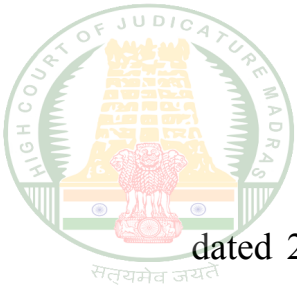
Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to set aside one of the condition imposed to the petitioner shall deposit 20 percent of 14,40,000/- before the trial court within four weeks from the date of order in CrI.M.P.No.1 of 2025 in CrI.A.No.796 of 2025 dated 26.06.2025 passed by the Principal Sessions Judge, Chennai

For Petitioner : M/s.V.Yashika

ORDER

This Criminal Original Petition has been filed by the petitioner to set aside one of the conditions imposed on the petitioner, by the learned Principal Sessions Judge, Chennai, in CrI.M.P.No.1 of 2025 in CrI.A.No.796 of 2025

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dated 26.06.2025 that the petitioner to deposit 20% of Rs.14,40,000/- before the trial Court within a period of four weeks from the date of order.

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2. The case of the petitioner is that the respondent had filed a cheque case against the petitioner before the XXVII Metropolitan Magistrate, Saidapet in S.T.C.No.306 of 2024 for the offence under Section 138 of Negotiable Instruments Act. The learned Magistrate after enquiry/trial, found the petitioner guilty for the offence under Section 138 of Negotiable Instruments Act and convicted sentenced him to undergo one year simple imprisonment and to pay a sum of Rs.30 lakhs as compensation to the complainant/respondent within one month, in default to undergo three months simple imprisonment, by judgment dated 26.05.2025. Aggrieved by the judgment of conviction and sentence, the petitioner filed an appeal before the Principal Sessions Judge, Chennai and the same was taken on file in C.A.No.796 of 2025. Along with the said appeal, the petitioner filed a Miscellaneous Petition CrI.MP No.1 of 2025 to suspend the sentence pending disposal of appeal. While considering the said



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Miscellaneous Petition, the learned Sessions Judge, imposed certain conditions

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and one of the conditions is that the petitioner to deposit 20% of Rs.14,40,000/- before the trial Court at the credit of S.T.C. within four weeks from the date of order. Now challenging the condition, the petitioner has filed the present petition before this Court.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. This Court does not find any arbitrariness or perversity or any abuse of process of law in the impugned order passed by the learned Sessions Judge. The grounds taken by the petitioner is not satisfied to set aside the order passed by the lower appellate Court. If the petitioner wants to enjoy the benefit of the order of suspension of sentence, he has to comply with the order passed by the learned Sessions Judge.

5. However, in the interest of justice, the time granted by the lower appellate Court to deposit 20% Rs.14,40,000/-, is extended till 31st July 2025



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and the petitioner is directed the deposit said amount before the trial Court in

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S.T.C.No.306 of 2024 on or before 31.07.2025 failing which, the learned Principal Sessions Judge is directed to proceed with the appeal after receiving the records from the trial Court and dispose of the appeal in CrI.A.No.796 of 2025 on or before 29.08.2025.

6. With the above directions, this Criminal Original Petition is disposed of at the admission stage itself.

25.07.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue order copy on 28.07.2025.



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To

1. The Principal Sessions Judge,
Chennai

2. The XXVII Metropolitan Magistrate
Saidapet, Chennai



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P.VELMURUGAN,J.

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