



Crl.O.P.No.21988 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 13.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.21988 of 2025
and Crl.M.P.No.15063 of 2025

Ramadass

... Petitioner

Versus

Vijayalakshmi

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to set aside the order dated 14.05.2025 in MP.No.1 of 2025 in C.A.No.13 of 2025 passed by the learned Vacation Sessions Judge at Villupuram and relax/modify the condition that the petitioner to deposit Rs.1,65,000/- (15%) of the compensation amount as cash security before the learned Judicial Magistrate, Gingee.

For Petitioner : Mr.K.Rajan

For Respondent : Ms.C.N.Prarthana
for Mr.N.Krishnamoorthy

ORDER

Challenge has been made to the Order of the Sessions Court directing the petitioner to deposit 15% of the compensation amount in cheque complaint while suspending the sentence of the Trial Court passed in STC.No.217 of 2021, the present petition is filed.



CrI.O.P.No.21988 of 2025

WEB COPY 2. The respondent has filed a complaint under Section 138 of Negotiable Instruments Act, wherein, the Trial Court had convicted the petitioner and sentenced for imprisonment for a period of 2 years with compensation of Rs.11 lakhs. The petitioner has filed appeal before the Vacation Sessions Judge at Villupuram. While suspending the sentence, the appellate court has directed the petitioner to deposit a sum of Rs.1,65,000/-, i.e., 15% of the compensation amount before the Trial Court. Challenging the said order, the present petition has been filed only on the ground that the complainant in the case is none other than the husband of Velmurugan and he was a partner of the accused/petitioner partnership business under the name and style of RSR Group of Trading and Construction. There was separate agreement between the parties. Therefore, regular conditions set up under Section 143 of NI Act cannot be imposed against the petitioner. According to them, it is an exceptional case, since the relief is that of partners, therefore, the conditions ought not to have imposed.

3. When this Court pointed out whether such stand was taken as a defence in



Crl.O.P.No.21988 of 2025

the Trial Court, the learned counsel submitted that the agreement of partnership has not been taken as a defence in the Trial Court, now, in the appeal stage, they filed an application to mark the document as an additional document.

4. Considering the above, as the defence has not been set up originally, now, sought to be set up before the appellate court, the petitioner shall deposit 10% of the compensation amount before the Trial Court instead of 15% as directed by the appellate court. Accordingly, the condition passed by the appellate Court is modified to that effect.

5. In view of the above, this petition stands disposed of. Consequently, connected miscellaneous petition stands closed.

13.08.2025

dhk

Index : Yes
Internet : Yes

N. SATHISH KUMAR, J.



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CrI.O.P.No.21988 of 2025

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To

1.The Vacation Sessions Judge at Villupuram

2.The Judicial Magistrate, Gingee.

3.The Public Prosecutor
Madras High Court

CrI.O.P.No.21988 of 2025

13.08.2025