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CRL OP No. 24415 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 24415 of 2025

and

Crl.M.P.No.16692 of 2025

Vanaja
W/o.Late Shankar,
Door No.18, Sokkathamman Kovil Street,
Urapakkam, Chenglapet District-603 210.

Petitioner(s)

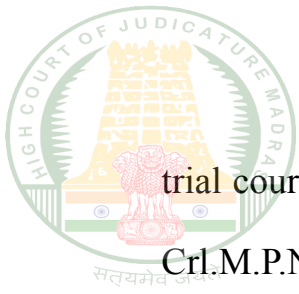
Vs

Jayaselvan
S/o.Sivabalan, No.62, E, New Colony,
Pudhu Kiramam, Subbaiya Mudhiyar
Puram, Tuticorin-628 003.

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to allow this Criminal Original Petition by setting aside the condition that the petitioner shall deposit 20 percentage of the compensation amount before the



trial court at the credit of STC within 4 weeks from the date of order, passed in Crl.M.P.No.1/2025 in C.A.No.928/2025 dated 01.08.2025 on the file of The Principal Sessions Judge, Chennai.

For Petitioner(s): Mr. M.Jaisingh

ORDER

Challenge has been made to the order of the Appellate Court directing to deposit 20% of the cheque amount before the Trial Court while suspending the sentence.

2. The complaint has been filed by the respondent/complainant for the offence under section 138 of Negotiable Instruments Act.

3. The case of the petitioner is that her son has borrowed a sum of Rs.33,50,000/- towards the sale of property. However, he failed to execute the sale as agreed between the parties. Since it was the liability of the petitioner's son, the cheque in question was obtained by the complainant.



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4. It is the contention of the petitioner that the direction of the appellate court to deposit 20% of the cheque amount is unsustainable and is liable to be set aside.

5. On a perusal of the records, it is seen that the petitioner filed an appeal in C.A.No.928 of 2025 before the Principal Sessions Court, Chennai, challenging the order of conviction. In the said appeal, the petitioner sought suspension of sentence in CrI.M.P.No.1 of 2025. The learned Sessions Judge, vide order dated 01.08.2025 granted suspension of sentence subject to the condition that 20% of the cheque amount be deposited before the Trial Court to the credit of STC. Aggrieved by the said condition, the petitioner has approached this Court.

6. Once the petitioner herself has admitted that her son borrowed a huge sum of Rs.33,50,000/- and the cheque has been issued towards the said liability, this Court finds no reason to interfere with the order of the appellate Court directing deposit of 20% of the cheque amount.



7. At this stage, the learned counsel for the petitioner sought four weeks time is required to deposit the amount.

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8. Accordingly, this Criminal Original Petition is disposed of by granting the petitioner four weeks time from today to deposit 20% of the cheque amount before the Trial Court, as directed by the appellate Court. Consequently, connected miscellaneous petition is closed.

08-09-2025

Neutral Citation: Yes/No

mrp

To

1. The Principal Sessions Court,
Chennai.
2. The Metropolitan Magistrate,
Fast Track Court at Magisterial Level-IV,
George Town, Chennai.



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N.SATHISH KUMAR J.

mrp

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