



CrI.O.P.No.26810 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.26810 of 2025

Nareshkumar. R

... Petitioner

Vs.

N.Vijayaraj

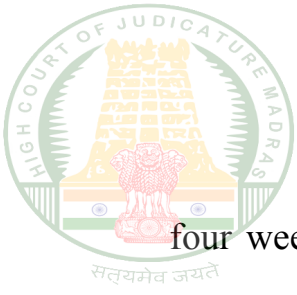
... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 BNSS, to set aside the condition imposed on the petitioner by the learned Principal District and Sessions Judge, Chennai, that the petitioner herein is directed to deposit 20% of the compensation amount before the trial Court to the credit of S.T.C.No.1963 of 2023 within a period of four weeks by order passed in CrI.M.P.No.1 of 2025 in CrI.A.No.1000 of 2025 in S.T.C.No.1963 of 2023 on the file of the learned Principal District and Sessions Judge, Chennai.

For Petitioner : Mr.P.Arunkumar

ORDER

Challenging the condition passed by the learned Principal Sessions Judge, Chennai, in CrI.M.P.No.1 of 2025 in C.A.No.1000 of 2025 dated 20.08.2025, directing the petitioner/appellant, who sought suspension of sentence, to deposit 20% of the cheque amount before the trial Court within



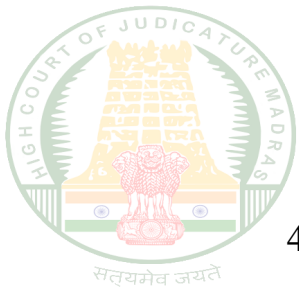
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four weeks from the date of the said order, the present Criminal Original

WEB.COM Petition has been filed.

2. The complaint under Section 138 of the Negotiable Instruments Act was filed by the respondent against the petitioner before the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai, in S.T.C.No.1965 of 2023. On 16.07.2025 the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo five months simple imprisonment and directed him to pay compensation of Rs.7,20,000/- along with interest, in default to undergo one month simple imprisonment. Against which, the petitioner preferred an appeal in C.A.No.1000 of 2025 along with a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence.

3. On 20.08.2025, the learned Principal Sessions Judge, while suspending the sentence imposed on the petitioner, directed him to deposit 20% of the compensation amount before the trial Court within four weeks from the date of the said order. Aggrieved by the same, the present petition has been filed.

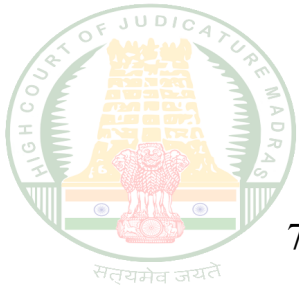


WEB COURT

4. Learned counsel appearing for the petitioner submitted that the petitioner has a very good case in appeal and that the Principal Sessions Court, Chennai, failed to consider the fact that there is no legal enforceable liability on the part of the petitioner and directed the petitioner to deposit 20 % of the compensation amount, which is not fair. Hence, he prayed to set aside the said condition.

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

6. In view of the above, this Court is of the opinion that merely on the basis of the submissions made by the petitioner, the order of the appellate Court cannot be quashed. However, considering the nature of the complaint filed and the cross examination of the respondent, this Court is inclined to modify the condition imposed by the Appellate Court in Crl.M.P.No.1 of 2025 in C.A.No.1000 of 2025 dated 20.08.2025 and the direction to deposit 20 % of the compensation amount is hereby reduced to 10 %.



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7. Accordingly, the petitioner is directed to deposit 10 % of the compensation amount before the trial Court within a period of **two weeks** from the date of receipt of a copy of this order. The appellate Court shall dispose of the appeal on its own merits and in accordance with law.

8. In view of the above, the Criminal Original Petition stands disposed of.

06.10.2025

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Neutral Citation: Yes/No

To

1. The Principal Sessions Court,
Chennai.
2. The Metropolitan Magistrate,
FTC – V, Saidapet, Chennai



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N. SATHISH KUMAR, J.

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