



WEB COPY

CRL OP No. 29072 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 29072 of 2025

and

CrI.M.P.No. 19711 of 2025

S. Suresh Kumar

Petitioner(s)

Vs

R.Kamala

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to call for the records and set aside the same in CrI.M.P.No.1 of 2025 in CrI.Appeal. No. 125 of 2025 in order dated 29.08.2025 passed by learned I Additional District and Sessions Judge, Namakkal and allow this Criminal Original Petition .

For Petitioner(s): Mr. K.T.S.Sivakumar

**ORDER**

WEB COPY

This Criminal Original Petition has been filed seeking modification of the condition directing deposit of 20% of the compensation amount imposed by the Appellate Court in Crl.M.P.No.1 of 2025 in C.A.No.125 of 2025, dated 29.08.2025, while granting suspension of sentence.

2. According to the petitioner, as against the conviction and sentence passed by the learned Judicial Magistrate No.I, Namakkal, dated 22.07.2025, the petitioner had preferred an appeal in C.A. No.125 of 2025 before the I Additional District and Sessions Court, Namakkal. In the said appeal, the petitioner filed a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence. The learned I Additional District and Sessions Judge, Namakkal, by an order dated 29.08.2025, suspended the sentence subject to the condition that the petitioner shall deposit 20% of the compensation amount before the Trial Court, within 60 days, as per Section 148 of the Negotiable Instruments Act.

3. The learned counsel for the petitioner would further submit that the petitioner has a good case on merits, since the cheque in question has been



misused in the course of business transaction. He would also submit that the petitioner is ready and willing to deposit 10% of the compensation amount before the Trial Court, without prejudice to his rights, and therefore, seeks modification of the condition imposed.

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

5. The Appellate Court, while suspending the sentence, directed the petitioner to deposit 20% of the compensation amount. Though Section 148(1) of the Negotiable Instruments Act confers discretionary power upon the Appellate Court to impose such a condition, this Court in exercise of its inherent powers under Section 528 of BNSS, finds that the ends of justice would be met if the condition is suitably modified, considering the petitioner's willingness to deposit 10% of the compensation amount and his undertaking to co-operate for the early disposal of the appeal.

6. In view of the above,

(i) The conditional order passed by the learned I Additional District and Sessions Judge, Namakkal, in clause (2) of the order dated 29.08.2025 in Crl.M.P.No.1 of 20215 in Crl.A.No.125 of 2025 is hereby modified.



(ii) The petitioner/accused is directed to deposit 10% of the compensation amount before the Trial Court within 30 days from the date of receipt of a copy of this order.

(iii) All other conditions imposed by the Appellate Court shall remain unaltered.

(iv) The petitioner shall co-operate for the speedy disposal of the appeal.

7. With the above observations and directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

27-10-2025

Index:Yes/No

1/2

Speaking/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1. I Additional District and Sessions Court,
Namakkal.

2. Judicial Magistrate No.I,
Namakkal.



WEB COPY

CRL OP No. 29072 of 2025



A.D.JAGADISH CHANDIRA J.

mrp

CRL OP No. 29072 of 2025
1/2

27-10-2025