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CrI.O.P.No.28421 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 17.10.2025**

CORAM:

**THE HON'BLE MR.JUSTICE N. SATHISH KUMAR**

**CrI.O.P.No.28421 of 2025**

S.Suresh

... Petitioner

Vs.

R.Ravi

... Respondent

**PRAYER** : Criminal Original Petition is filed under Section 528 of BNSS, to modify the condition (2) passed in CrI.M.P.No.1 of 2025 in C.A.No.113 of 2025 dated 12.08.2025, by the learned I Additional District and Sessions Judge, Namakkal, directing the petitioner to deposit 20 % of the compensation amount before the trial Court within 60 days as per Section 148 of N.I.Act, which has been amended by Amendment Act No.20/2018 which came into force w.e.f.01.09.2018.

For Petitioner : Mr.D.Rameshkumar

**ORDER**

The Criminal Original Petition has been filed seeking to modify the condition imposed by the learned I Additional District and Sessions Judge, Namakkal, on 12.08.2025 in Cr.M.P.No.1 of 2025 in C.A.No.113 of 2025.



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2. The complaint under Section 138 of the Negotiable

Instruments Act was filed by the respondent against the petitioner before the learned Judicial Magistrate No.I, Namakkal, in S.T.C.No.247 of 2023. On 17.06.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo one year rigorous imprisonment and directed him to pay compensation of Rs.20,00,000/- within three months, in default to undergo three months simple imprisonment. Against which, the petitioner preferred an appeal in C.A.No.113 of 2025 along with the petition in Cr.M.P.No.1 of 2025 seeking suspension of sentence.

3. On 12.08.2025, the learned I Additional District and Sessions Judge, Namakkal, while suspending the sentence imposed on the petitioner, directed him to deposit 20% of the compensation amount before the trial Court within 60 days. Aggrieved by the same, the present petition has been filed.

4. Learned counsel appearing for the petitioner submitted that the petitioner has a very good case in appeal and that the appellate Court, 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



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compensation amount, which is not fair. Hence, he prayed to modify the said condition.

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

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to modify the condition imposed by the Appellate Court in Cr.M.P.No.1 of 2025 in C.A.No.113 of 2025 dated 12.08.2025 and the direction to deposit 20 % of the compensation amount is hereby modified to 10 %.

7. Accordingly, the petitioner is directed to deposit 10 % of the compensation amount before the trial Court within a period of **three 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



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disposed of.

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Neutral Citation: Yes/No

To

1. The I Additional District and Sessions Judge, Namakkal.
2. The Judicial Magistrate No.I, Namakkal.



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**N. SATHISH KUMAR, J.**

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