



Crl.OP.No.30211 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.30211 of 2025

and

Crl.MP.No.20638 of 2025

C.Selvendran

...Petitioner

Vs.

S.Devi

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023 to set aside the order dated 14.08.2025 passed in Crl.MP.No.6658 of 2025 in Crl.Appeal No.658 of 2025 by XVI Additional City Civil Court, Chennai and modify/reduce/waive the condition relating to deposit of 20% of the compensation amount.

For Petitioner : Ms.M.Maria Jeya Sundar



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ORDER

This criminal original petition has been filed seeking quashment of the order dated 14.08.2025 passed in Crl.MP.No.6658 of 2025 in Crl.Appeal No.658 of 2025 on the file of the XVI Additional City Civil Court, Chennai and to consequently, reduce or waive the condition relating to deposit of 20% of the compensation amount.

2. The brief facts of the case are as follows:

The respondent/complainant initiated proceedings under Section 138 of the Negotiable Instruments Act (in short 'NI Act') in STC.No.589 of 2022 before the learned Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, against the petitioner/accused and the trial court, vide order dated 07.04.2025 convicted the petitioner for the offence under Section 138 of the NI Act and sentenced him to undergo four months simple imprisonment and further directed him to pay a fine of Rs.13,00,000/-

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(Rupees Thirteen Lakhs only) as compensation in favour of the respondent/

complainant within one month, along with interest at the rate of 3% per annum, in default to undergo simple imprisonment for a further period of two months. Aggrieved by the same, the petitioner preferred an appeal in Crl.Appeal No.658 of 2025 along with a petition in Crl.MP.No.1 of 2025, seeking suspension of sentence. The learned XIX Sessions Judge/Vacation Sessions Judge, Chennai, vide order dated 14.05.2025, while suspending the sentence imposed on the petitioner, directed the petitioner to deposit 20% of the compensation amount before the trial Court within 60 days from the date of the said order. However, as the petitioner was unable to comply with the said condition, he filed a petition under Section 148(2) in Crl.MP.No.6658 of 2025 seeking extension of time to deposit 20% of the compensation amount. The XVI Additional City Civil Court, Chennai, vide order dated 23.07.2025 extended the time till 13.08.2025 for complying with the condition relating to deposit of 20%. Despite the same, as the petitioner was unable to comply



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with the said condition, the Appellate Court, vide impugned order dated 14.08.2025, dismissed the said Crl.MP.No.6658 of 2025 and consequently, vacated the suspension of sentence granted in Crl.MP.No.1 of 2025 in Crl.Appeal No.658 of 2025 on 14.05.2025 and further directed the trial court to secure the petitioner. Aggrieved by the same, the present petition has been filed.

3. Learned counsel for the petitioner submitted that the petitioner has a good and meritorious case in appeal. Therefore, he prayed that the order directing the petitioner to deposit 20% of the compensation amount may be set aside.

4. Having heard the learned counsel for the petitioner and perused the materials available on record, this Court is of the view that the appellate Court, while holding that the petitioner/appellant has made out arguable



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points in the main appeal, has suspended the sentence and imposed certain conditions. However, taking into account the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner that there are arguable grounds in the appeal and that he has a good case on merits, this Court is inclined to modify the condition imposed by the appellate Court in Crl.MP.No.1 of 2025 in Crl.Appeal No.658 of 2025 on 14.05.2025.

5. Accordingly, the direction to deposit 20% of the compensation amount is hereby modified as 10%. It is also made clear that all other conditions remain unaltered.

6. At this juncture, the learned counsel for the petitioner prayed that some reasonable time may be granted to the petitioner to comply with the said condition.



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7. In view of the above, the petitioner is directed to deposit 10% of the compensation amount before the trial Court within a period of thirty (30) days from the date of receipt of a copy of this order.

8. With the above directions, this Criminal Original Petition stands disposed of. Consequently, the connected Miscellaneous petition is closed.

06.11.2025

skt

Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

To:

The XVI Additional City Civil Court,
Chennai.

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