



Crl.OP.No.30733 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

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

Crl.OP.No.30733 of 2025

and

Crl.MP.No.21029 of 2025

H.Haijulal

...Petitioner

Vs.

P.Tamilarasi

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023 to set aside the condition that, "*Further the Petitioner is directed to deposit 15% of the compensation amount before the Trial Court in the credit of STC within 60 days from the date of this order*", passed by the learned XIX Additional City Civil Court at Chennai on 16.09.2025 in Crl.MP.No.1 of 2025 in Crl.A.No.1125 of 2025.

For Petitioner : Mr.S.Murugesan



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ORDER

This criminal original petition has been filed seeking to set aside the condition imposed by the XIX Additional City Civil Court at Chennai in Crl.MP.No.1 of 2025 in Crl.A.No.1125 of 2025 dated 16.09.2025, wherein the petitioner was directed to deposit 15% of the total 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.3753 of 2022 before the learned Metropolitan Magistrate, Fast Track Court No.V, Saidapet, Chennai, against the petitioner and the trial court, vide order dated 19.08.2025 convicted the petitioner for the offence under Section 138 of the NI Act and sentenced to undergo seven months simple imprisonment and further directed to pay a sum of Rs.16,00,000/- (Rupees Sixteen 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



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imprisonment for a further period of three months. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.1125 of 2025 along with a petition in Crl.MP.No.1 of 2025, seeking suspension of sentence. The Appellate Court, vide impugned order dated 16.09.2025, while suspending the sentence imposed on the petitioner, directed the petitioner to deposit 15% of the total compensation amount before the trial Court within 60 days from the date of the said order. 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 and the appellate court, without considering the earlier **payments/deposits** made by the petitioner, directed the petitioner to deposit 15% of the compensation amount. Therefore, he prayed that the order directing the petitioner to deposit 15% 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



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Court, while holding that the petitioner/appellant has made out arguable 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.A.No.1125 of 2025 on 16.09.2025.

5. Accordingly, the direction to deposit 15% 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.

12.11.2025

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

The XIX Additional City Civil Court,
Chennai.



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skt

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