



WEB COPY



CrI.O.P.No.30046 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM:

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

CrI.O.P.No.30046 of 2025

N.Gayathiri

... Petitioner

Vs.

A.Jayakumar

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to set aside the order of the lower appellate Court dated 16.09.2025 passed in CrI.M.P.No.1 of 2025 in CrI.A.No.1090 of 2025 on the file of the XXII Additional City Civil Court, Allikulam, Chennai – 600 003 namely the direction to the petitioner to deposit 20 % of the compensation amount.

For Petitioner : Mr.S.Sadasharam

ORDER

The present Criminal Original Petition has been filed seeking to set aside the order passed by the XXII Additional City Civil Court, Chennai, dated 16.09.2025, in CrI.M.P.No.1 of 2025 in CrI.A.No.1090 of 2025.



Crl.O.P.No.30046 of 2025

WEB COPY

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

2.1. 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 C.C.No.12064 of 2018

2.2. On 30.07.2025, the trial Court found the petitioner/accused guilty, convicted her and sentenced her to undergo seven months simple imprisonment and further directed her to pay the cheque amount of Rs.20,00,000/- as compensation, in default to undergo two months simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.1090 of 2025 along with a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence. On 16.09.2025, the XXII Additional Judge, City Civil Court, Chennai, while suspending the sentence imposed on the petitioner, directed her to deposit 20 % of the compensation amount before the trial Court within sixty days from the date of the said order. Aggrieved by the same, the present petition has been filed.



3. Learned counsel appearing for the petitioner submitted that the petitioner's husband is suffering from Acute Diabetic Ulcer and has also undergone surgery on his foot and that the petitioner, being a house wife, is unable to mobilize the amount. He further 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 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 condition 4(ii) imposed by the appellate Court in Crl.M.P.No.1 of 2025 in Crl.A.No.1090 of 2025 dated 16.09.2025. Accordingly, the direction to deposit 20 % of the compensation amount is hereby modified to 10 %. It is also made clear that all other conditions remain unaltered.



Crl.O.P.No.30046 of 2025

WEB COPY

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

6. Accordingly, the petitioner is directed to deposit 10 % of the compensation amount before the trial Court within a period of **four weeks** from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition stands disposed of.

05.11.2025

ham

Neutral Citation: Yes/No

To

1. The XXII Additional City Civil Court, Chennai.
2. The Metropolitan Magistrate, FTC-V, Saidapet, Chennai,



WEB COPY



Crl.O.P.No.30046 of 2025

A.D.JAGADISH CHANDIRA, J.

ham

Crl.O.P.No.30046 of 2025

05.11.2025