



Crl.OP.No.30843 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

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

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C.S.Nanda Kumar

...Petitioner

Vs.

K.P.Midhun Kumar

...Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. and 528 of BNSS, 2023 to modify the order dated 20.09.2025 passed by the learned XVIII Additional City Civil Judge, Chennai in Crl.MP.No.2 of 2025 in Crl.A.No.1154 of 2025, wherein the appellant was directed to deposit 20% of the compensation amount within 60 days from the date of the suspension order, by substituting the same with a direction to deposit 20% of the actual cheque amount involved in the complaint, as a condition for the suspension of sentence.

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For Petitioner : Mr.K.Pattabhi

ORDER

This criminal original petition has been filed seeking to modify the condition imposed by the learned XVIII Additional City Civil Judge, Chennai in Crl.MP.No.2 of 2025 in Crl.A.No.1154 of 2025 dated 20.09.2025, wherein the petitioner was directed to deposit 20% 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 CC.No.3570 of 2019



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before the learned XXVII Metropolitan Magistrate, Saidapet, Chennai,

against the petitioner and other accused and the trial court, vide order dated

03.09.2025 convicted the 1st accused company and the 2nd accused/the

petitioner herein for the offence under Section 138 of the NI Act and

sentenced to undergo one year simple imprisonment and further directed to

pay a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) as compensation in

favour of the respondent/complainant within two months, in default to

undergo simple imprisonment for a further period of three months.

Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.1154

of 2025 along with a petition in Crl.MP.No.2 of 2025, seeking suspension of

sentence. The Appellate Court, vide impugned order dated 20.09.2025, while

suspending the sentence imposed on the petitioner, directed the petitioner to

deposit 20% 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.



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3. Learned counsel for the petitioner submitted that while suspending the sentence granted to the petitioner, the appellate Court has imposed a condition directing the petitioner to deposit 20% of the total compensation amount instead of directing deposit of 20% of the cheque amount. He further submitted that the petitioner has a good and meritorious case in appeal and without prejudice, is ready to deposit 10% of the cheque amount amount. Thereby, he seeks to modify the said condition.

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

5. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner, this Court is



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inclined to modify the condition imposed by the appellate Court in

Crl.MP.No.2 of 2025 in Crl.A.No.1154 of 2025 dated 20.09.2025. Therefore,

the condition to deposit 20% of the fine amount of Rs.30,00,000/- is hereby

modified as 10% of the total fine/compensation amount and the petitioner

shall deposit the said 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. It is made clear that all other conditions remain unaltered.

6. Accordingly, the Criminal Original Petition stands allowed.

12.11.2025

skt

Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

To:

The XVIII Additional City Civil Court,
Chennai.

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A.D.JAGADISH CHANDIRA, J.

skt

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