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Crl.O.P.No.30421 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30421 of 2025

R.Chandrasekar

... Petitioner

Vs.

N.Mekala

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. to set aside the order passed by the learned VI Additional Judge, VI Additional City Civil Court, Chennai in Crl.M.P.No.8523 of 2025 in C.A.No.1058 of 2025 dated 09.09.2025 insofar as the condition No.7(2) is concerned.

For Petitioner : Mr.V.Ramasamy

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned VI Additional Judge, VI Additional City Civil Court, Chennai in Crl.M.P.No.8523 of 2025 in C.A.No.1058 of 2025 dated 09.09.2025, insofar as condition No.7(2) is concerned.

2. The learned counsel for the petitioner would submit that against the judgment of conviction and sentence dated 28.07.2025, imposed by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai,



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for the offence under Section 138 of the Negotiable Instruments Act, the petitioner preferred an appeal in C.A.No.1058 of 2025, before the VI Additional City Civil Court, Chennai, along with an application seeking suspension of sentence pending disposal of the appeal. The learned appellate Judge, while suspending the sentence, imposed certain conditions and one of the conditions is that, the petitioner should deposit 20% of the cheque amount before the trial Court within a period of two months from the date of the order, to the credit of STC No.2747/2022. Challenging the said condition, the present petition is filed.

3. The contention of the learned counsel for the petitioner is that though the petitioner has got a good case on merits, the learned appellate Judge, without considering the same and without exercising his discretionary powers, has directed the petitioner to deposit 20% of the cheque amount. The learned counsel would submit that the petitioner without prejudice to his rights and contentions, is ready to deposit 10% of the cheque amount and would seek for modification of the said condition.

4. Considering the submissions of the learned counsel for the petitioner, condition No.7(2), imposed by the appellate Court in Crl.M.P.No.8523 of 2025 in C.A.No.1058 of 2025 dated 09.09.2025, is modified to the effect that the petitioner shall deposit 10% of the



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compensation amount, before the trial Court to the credit of STC

No.2747/2022, within a period of four weeks from today (07.11.2025).

5. With the above modifications, this Criminal Original Petition is disposed of.

07.11.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Note: Issue order copy on 11.11.2025.

To

1. The VI Additional Judge,
VI Additional City Civil Court, Chennai
2. The Metropolitan Magistrate, Fast Track Court-V,
Saidapet, Chennai
3. The Public Prosecutor
High Court of Madras



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A.D.JAGADISH CHANDIRA J.

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