



CrI.OP.No.33317 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2025

CORAM:

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

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1. M/s. Samraj Constructions Pvt. Ltd.,
Rep. by its Managing Director Mr.Deepak Raju,
Having registered office at:
No.95 & 96, Bharati Park Road,
Cross II, Saibaba Colony, Coimbatore – 641 011.

2. Deepak Raju

...Petitioners

Vs.

M/s. Radha Infra,
Rep. by its Authorized Signatory Mr.Lakshminarayanan,
Having its office at:
No.150, Defense Officers Colony,
Ekkatuthangal, Chennai – 600 032.

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023/482 of Cr.P.C., to set aside the condition order passed by the Hon'ble XIX Additional City Civil Court at Chennai in CrI.M.P.No.1 of 2025 in CrI.A.No.1328 of 2025 dated 04.11.2025, directing the petitioners to deposit 20% of the compensation amount before the trial court in the credit of STC within sixty days from the date of the order.

For Petitioners : Mr.K.J.Saravanan



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ORDER

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This criminal original petition has been filed seeking quashment of the order dated 04.11.2025 passed in Crl.M.P.No.1 of 2025 in Crl.A.No.1328 of 2025 on the file of the XIX Additional City Civil Court at Chennai, insofar as the condition relating to deposit of 20% of the compensation amount to the credit of STC.No.2286 of 2023.

2. It is the case of the petitioners that the respondent/complainant initiated proceedings under Section 138 of the Negotiable Instruments Act (in short 'NI Act') against the petitioners/accused in STC.No.2286 of 2023 and the trial court, vide order dated 15.10.2025, convicted the petitioners for the offence under Section 138 of the NI Act and sentenced the 2nd petitioner to undergo one year simple imprisonment and further directed him to pay the cheque amount of Rs.48,00,000/- (Rupees Forty Eight Lakhs only) 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 petitioners preferred an appeal in Crl.A.No.1328 of 2025 along with a petition in Crl.MP.No.1 of 2025, seeking suspension of sentence. The XIX Additional City Civil Court, Chennai, vide impugned order dated 2/6



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04.11.2025, while suspending the sentence imposed on the petitioners, directed the petitioners to deposit 20% of the 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 petitioners submitted that there are arguable grounds in the appeal and the petitioners have a good and meritorious case in appeal. Therefore, he prayed that the order directing the petitioners to deposit 20% of the compensation amount may be set aside.

4. On perusal of the materials available on record, more particularly the impugned order, this Court is of the view that the appellate Court, while holding that the petitioners/appellants have 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 petitioners, this Court is inclined to modify the condition imposed by the appellate Court in Crl.M.P.No.1 of 2025 in Crl.A.No.1328 of 2025, vide order dated 04.11.2025.



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5. Accordingly, the direction to deposit 20% of the compensation amount, issued by the lower appellate court is hereby modified as 10% and the petitioners are directed to deposit 10% of the compensation amount before the trial Court within a period of two weeks from today. It is made clear that all the other conditions imposed by the lower appellate court shall remain unaltered.

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

05.12.2025

skt

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

Note to office: Issue order copy on 08.12.2025.



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To:

1. The XIX Additional City Civil Court,
Chennai.
2. The Special Metropolitan Magistrate/XIV Court of Small Causes,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

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