



CrI.O.P.No.34015 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2025

CORAM:

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

CrI.O.P.No.34015 of 2025

and

CrI.M.P.No.23756 of 2025

M/s.Vasantham Exide Battery,
Represented by its Authorized Signatory
T.Sivabalan,
No.327, Lenin Street, Kosapalyam,
(Opposite to Keerthy Mahal),
Puducherry – 605 013.

... Petitioner

Vs.

M/s.United Power Systems,
Represented by Proprietor,
Udyakumar,
No.28, Govindasamy Street,
Kamaraj Nagar, Puducherry – 605 011.

... 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 portion of the order “on condition to deposit 20 % of the Cheque amount within a period of two months. If the 20 % of the cheque amount is not deposited, the appeal shall stand dismissed automatically” passed in CrI.M.P.No.1 of 2025 in Criminal Appeal No.85 of 2025 dated 23.10.2025, on the file of the Principal Sessions Judge at Puducherry.

For Petitioner : Mr.P.Suresh Babu



Crl.O.P.No.34015 of 2025

ORDER

The present Criminal Original Petition has been filed seeking to set aside the order passed by the learned Principal Sessions Judge, Puducherry, dated 23.10.2025, in Crl.M.P.No.1 of 2025 in Crl.A.No.85 of 2025.

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/complainant against the petitioner/accused before the learned Judicial Magistrate, Fast Track Court, Puducherry, in S.T.C.No.318 of 2021.

2.2. On 25.09.2025, the trial Court found the petitioner/accused guilty, convicted and sentenced him to undergo one year simple imprisonment and directed him to pay a compensation of Rs.13,25,000/- to the complainant, in default to undergo one month simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.85 of 2025 along with a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence. On 23.10.2025, the learned Principal Sessions Judge, Puducherry, while suspending the sentence imposed by the trial Court, directed the petitioner to deposit 20 % of the compensation amount before the trial Court within two months. Aggrieved by the said



condition, the present petition has been filed.

WEB COPY

3. Learned counsel appearing for the petitioner submitted that the petitioner is not in a position to pay the huge 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, considering 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 vide order dated 23.10.2025 in CrI.M.P.No.1 of 2025 in CrI.A.No.85 of 2025, directing the petitioner to deposit 20% of the compensation amount. Accordingly, the direction to deposit 20 % of the compensation amount is hereby modified as 10 %. It is also made clear that all other conditions remain unaltered.



CrI.O.P.No.34015 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 modification direction, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

12.12.2025

ham

Neutral Citation: Yes/No

To

1. The Principal Sessions Judge,
Puducherry.
2. The Judicial Magistrate, Fast Track Court,
Puducherry,

4/5



WEB COPY



CrI.O.P.No.34015 of 2025

A.D.JAGADISH CHANDIRA, J.

ham

CrI.O.P.No.34015 of 2025

12.12.2025