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Crl.O.P.No.34271 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

CORAM:

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

Crl.O.P.No.34271 of 2025

J.Muthulakshmi

... Petitioner

Vs.

S.P.VIjayakumar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita to set aside the condition directing the petitioner to pay 20% of the compensation amount passed in Crl.M.P.No.1 of 2025 in CA No.1324 of 2025 dated 01.11.2025 on the file of learned XV Additional City Civil Court, Chennai.

For Petitioner : Mr.A.P.Sathya Murthy

ORDER

The present Criminal Original Petition has been filed to set aside the order passed by the XV Additional City Civil Court, Chennai, dated 01.11.2025, in M.P.No.1 of 2025 in C.A. No.1324 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 against the petitioner before the



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learned XXVII Metropolitan Magistrate, Saidapet, Chennai, in C.C.No.1236
of 2020.

2.2. On 17.10.2025, the trial Court found the petitioner/accused guilty and convicted and sentenced her to undergo one year simple imprisonment and further directed her to pay the cheque amount of Rs.20,00,000/- as compensation, in default to undergo three months simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in C.A.No.1324 of 2025 along with a petition in M.P.No.1 of 2025 seeking suspension of sentence. On 01.11.2025, the XV Additional Sessions 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 thirty 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 during Section 313 Cr.P.C questioning, the petitioner has clearly stated about the transaction between herself and the respondent and she has also



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made part payment. 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 the condition imposed by the appellate Court in Crl.M.P.No.1 of 2025 in C.A.No.1324 of 2025 dated 01.11.2025 *qua* deposit. Accordingly, the direction to deposit 20% of the compensation amount is hereby modified as one to deposit 10% of the compensation amount. It is also made clear that all other conditions remain unaltered.

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.



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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.

16.12.2025

Neutral Citation: Yes/No
MRN



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To

1. The XV Additional City Civil Court, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

(MRN)

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