



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6136 of 2026

and

CRL MP No.4537 of 2026

P.Muthu
S/o.Pichaimani,
Santhosh Power Zone Battaries,
No.2, Chelliamman Nagar,
Ayanambakkam Road,
I.C.F.Colony,
Ambathur,
Chennai - 600 056.

..Petitioner(s)

Vs

V.K.Periyasamy
S/o.Karuppanna Gounder,
No. 9, Chokkammal Nagar,
Senneerkuppam,
Poonamallee,
Chennai- 600 056.

..Respondent(s)

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita Act, 2023 to set aside the condition imposed against the petitioner by the order of the Principal District and Sessions Judge, Thiruvallur dated 06.01.2026 passed in M.P.No.1/2026 in Crl. Appeal No. 10/2026 directing the petitioner to deposit 10% of the compensation amount before the trial court to the credit of S.T.C.No . 162/2016 within a period of 60 days and pass such further or other orders as this Hon'ble Court.



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For Petitioner(s): Mr.J.Antony Jesus

ORDER

This criminal original petition is filed to set aside the condition imposed against the petitioner by the order of the Hon'ble Principal District and Sessions Judge, Thiruvallur dated 06.01.2026 passed in M.P.No.1/2026 in C.A.No. 10/2026 directing the petitioner to deposit 10% of the compensation amount before the Trial Court to the credit of S.T.C.No . 162/2016 within a period of 60 days.

2. The case of the prosecution is that the accused has approached the complainant to sell his house for a sale consideration of Rs.61,00,000/- and the accused has received Rs.35,00,000/- as part payment, however, the respondent / accused sold the property to other person without his consent. On repeated request, the respondent issued cheque for return of the amount, but when the said cheque was presented for payment, it was returned for the reason "funds insufficient". Hence, the case under Section 138 of the Negotiable Instruments Act.



3. Heard learned counsel for the petitioner.

4. The petitioner / accused was convicted under Section 138 of Negotiable Instrument Act, by the Trial Court in STC No.168 of 2016 by judgment dated 21.11.2025. The petitioner was sentenced to one year simple imprisonment pay Rs.1 Crore as compensation which is more than double the cheque amount of Rs.52,32,500/-. Aggrieved against the same, the petitioner has preferred an appeal before the Sessions Court in C.A. No.10 of 2026 and filed suspension of sentence in Crl M.P No.1 of 2026. The learned Sessions Judge, by an order dated 06.01.2026, had considered the petitioner's plea and granted suspension of sentence and one of the condition was that the petitioner to deposit 10% of the compensation amount i.e Rs.10,00,000/- to the credit before the Trial Court in STC No.168 of 2016 within a period of 60 days. According to the petitioner, this condition is onerous one and further it amounts to pre-deciding this appeal. The petitioner contention is that the petitioner had paid back the amount to the respondent which he had proved during cross examination of the complainant, which the Trial Court had not considered these aspects.

5. In view of the same, this Court directs the petitioner to pay 10% of the cheque amount i.e. Rs.52,32,500/-. Hence, the petitioner shall deposit Rs.5,25,000/- to the credit of STC No.168 of 2016 within a period of two weeks



from the date of receipt of a copy of this order. It is made clear that no further orders would be passed in this regard. If the petitioner fails to comply with the order, this order would automatically stands cancelled. On such deposit being made by the petitioner, the Trial Court shall accept the same and extend the time.

6. Accordingly, this Criminal Original Petition is Allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

10-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

mtl

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