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CRL OP No. 1567 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

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

CRL OP No. 1567 of 2026

Sri Balaji Granites,
Proprietor,
M.Arunvel Kumar,
No.69, 2nd Main Road,
VGP Layout, 3rd Part, Palavakkam,
Chennai - 600 041.

..Petitioner(s)

Vs

S.Mohan Kumar

..Respondent(s)

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita to set aside and modify the conditional order passed by the XVIII Additional City Civil Court, Chennai in Crl.M.P.No.3 of 2025 in Crl.A.No.1435 of 2025 dated 01.12.2025 that the Petitioner shall deposit 20 percentage of the total compensation amount to the credit of CC Number on the file of the trial court within 60 days from the date of this order.

For Petitioner : Mr.Y.Kajanavas



ORDER

The present Criminal Original Petition has been filed to set aside and modify the conditional order passed by the XVIII Additional City Civil Court, Chennai in Crl.M.P.No.3 of 2025 in Crl.A.No.1435 of 2025 dated 01.12.2025 that the Petitioner shall deposit 20 percentage of the total compensation amount to the credit of CC Number on the file of the trial court within 60 days from the date of this order.

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 learned XXVI Metropolitan Magistrate, Egmore, Chennai, in C.C.No.2903 of 2020.

2.2. On 20.11.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo one year simple imprisonment and further directed him to pay the cheque amount of Rs.9,25,00,000/- as compensation, in default to undergo 30 days simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.1435 of 2025 along with a petition in Crl.M.P.No.3 of 2025 seeking suspension of sentence. On 01.12.2025, the XVIII Additional Judge, City Civil Court, Chennai, while suspending the sentence imposed on the petitioner,



directed him to deposit 20 % of the compensation amount before the trial Court within sixty days from the date of the said order. Aggrieved by the same, the present petition has been filed.

3. Learned counsel for the petitioner would submit that the petitioner has a good and meritorious case in appeal. Apart from that the petitioner finds it difficult to raise the huge amount and hence, the present petition has been filed to modify the conditional order to deposit the 20% compensation amount. He would further submit that the petitioner is ready to deposit the modified amount within a time frame to be fixed by this court.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. 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 condition imposed by the appellate Court in Crl.M.P.No.3



of 2025 in Crl.A.No.1435 of 2025 vide order dated 01.12.2025. 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.

6. 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.

7. Acceding to the above request, 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.

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

27-01-2026

Neutral Citation: Yes/No
MRN

Note: Issue order copy by 28.01.2026



To
The XVIII Additional City Civil Court,
Chennai

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A.D.JAGADISH CHANDIRA, J.

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A.D.JAGADISH CHANDIRA, J.

This matter has been listed today under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2.The matter has already been clarified on 02.02.2026 and hence, no further order is required.

05.02.2026

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