



WEB COPY



Crl.O.P.No.2654 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2026

CORAM:

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

Crl.O.P.No.2654 of 2026

1. M/s. Aadhish Builders,
Rep. by its Prop. K.Dinesh Kumar,
No.11, Pillaiyar Koil Street,
Mariputtur, Murugampakkam,
Kancheepuram – 603 306.

2. K.Dinesh Kumar,
No.11, Pillaiyar Koil Street,
Mariputtur, Murugampakkam,
Kancheepuram – 603 306.

...Petitioners

Vs.

M/s. JK Food Industry
Rep. by its Prop. A.Vinodha,
No.2/12, Bharathidasan Nagar,
1st Cross Street, Shanmugapuram,
Chennai – 600 099.

...Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to set aside the conditional order of the XV Additional Sessions Court, Chennai in Para No.7 “Further, the 2nd petitioner shall deposit 20% of the compensation amount before the trial court at the credit of S.T.C.No.4973 of 2023 within thirty days from the date of this order” passed in M.P.No.1 of 2025 in Criminal Appeal No.1493 of 2025 dated 15.12.2025.



WEB COPY



CrI.O.P.No.2654 of 2026

For Petitioners : Mr.M.Saravanakumar

ORDER

This criminal original petition has been filed seeking to modify the condition imposed by the XV Additional Sessions Court, Chennai, vide order dated 15.12.2025 made in M.P.No.1 of 2025 in Criminal Appeal No.1493 of 2025, directing the petitioners to deposit 20% of the compensation amount to the credit of S.T.C.No.4973 of 2023.

2. The brief facts of the case are as follows:

2.1 The respondent/complainant initiated proceedings under Section 138 of the Negotiable Instruments Act (in short 'NI Act') against the petitioners/accused in S.T.C.No.4973 of 2023 before the XX Metropolitan Magistrate Court, Egmore, Allikulam, Chennai and the trial court, vide order dated 13.11.2025, found the petitioners guilty for the offence under Section 138 of the Negotiable Instruments Act and convicted the petitioners for the said offence and sentenced the 2nd petitioner to undergo two months simple imprisonment and further directed him to pay a fine of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) as compensation in favour of the respondent/complainant along with interest at the rate of 6% per annum



Crl.O.P.No.2654 of 2026

from the date of filing of the complaint, within two months and in default to undergo simple imprisonment for a further period of one month.

2.2 Aggrieved by the same, the petitioners preferred an appeal in Criminal Appeal No.1493 of 2025 along with a petition in M.P.No.1 of 2025, seeking suspension of sentence. The XV Additional Sessions Court, Chennai, vide order dated 15.12.2025, while suspending the sentence imposed on the 2nd petitioner, directed him to deposit 20% of the compensation amount before the trial Court within 30 days from the date of the said order. For better appreciation, the relevant portion of the said order of the lower Appellate court is extracted hereunder:

“7. Accordingly, the sentence of imprisonment imposed on the 2nd petitioner by the lower Court alone is hereby suspended till the disposal of the appeal and the 2nd petitioner is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- along with two sureties each for a likesum to the satisfaction of the learned XX Metropolitan Magistrate, Egmore @ Allikulam, Chennai on or before 02.01.2026. Further, the 2nd petitioner shall deposit 20% of the compensation amount before the Trial Court at the credit of S.T.C.4973/2023 within thirty days from the date of this Order.”

Aggrieved by the same, the petitioners have come up with the present petition.



Crl.O.P.No.2654 of 2026

WEB COPY

3. Learned counsel for the petitioners submitted that the petitioners have a good and meritorious case in appeal. Therefore, he prayed that the condition imposed by the Appellate Court, vide impugned order directing the 2nd petitioner to deposit 20% of the compensation amount may be modified.

4. Having heard the learned counsel for the petitioners and having perused the materials available on record and considering that the condition qua deposit of 20% of the compensation amount imposed by the Appellate Court in M.P.No.1 of 2025 in Criminal Appeal No.1493 of 2025 dated 15.12.2025, is a bit onerous, the said condition is hereby reduced to 10%.

5. Accordingly, the 2nd petitioner is directed to deposit 10% of the compensation amount before the trial Court to the credit of S.T.C.No.4973 of 2023, within a period of two (2) weeks from the date of receipt of a copy of this order. It is also made clear that all other conditions made in the impugned order shall remain unaltered.



Crl.O.P.No.2654 of 2026

WEB COPY

6. With the above directions, this criminal original petition stands disposed of.

06.02.2026

skt

Neutral Citation: Yes/No

To:

The XV Additional Sessions Judge,
Chennai.



WEB COPY



Crl.O.P.No.2654 of 2026

A.D.JAGADISH CHANDIRA, J.

skt

Crl.O.P.No.2654 of 2026

06.02.2026