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Crl.O.P.No.3414 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM:

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

Crl.O.P.No.3414 of 2026

P.Rajesh Kumar

... Petitioner

Vs.

E.Manoharan

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to modify the condition imposed in the order dated 16.12.2025 in Crl.M.P.No.12219 of 2025 in Crl.A.No.1491 of 2025, on the file of the learned III Additional Sessions Judge, Chennai against S.T.C.No.4564 of 2024 on the file of the Fast Track Court No.V, Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.R.Bernatsha

ORDER

The present Criminal Original Petition has been filed seeking to modify the condition imposed in the order passed by the III Additional Sessions Court, Chennai, dated 16.12.2025, in Crl.M.P.No.12219 of 2025 in Crl.A.No.1491 of 2025.



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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 Metropolitan Magistrate, Fast Track Court No.V, Saidapet, Chennai, in S.T.C.No.4564 of 2024.

2.2. On 20.11.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo five months simple imprisonment and further directed him to pay the cheque amount of Rs.10,00,000/- along with interest within one month, in default to undergo two months simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.1491 of 2025 along with a petition in Crl.M.P.No.12219 of 2025 seeking suspension of sentence. On 16.12.2025, the learned III Additional Sessions Judge, Chennai, while suspending the sentence imposed on the petitioner, directed him to deposit 20 % of the cheque 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 appearing for the petitioner submitted that the petitioner, due to his financial difficulties, is unable to mobilize the huge



amount. He further submitted that the petitioner has a good and meritorious case in appeal. Therefore, he prayed that a condition directing the petitioner to deposit 20 % of the cheque amount may be modified.

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

5. On perusal of the records, this Court finds 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 the petitioner has a good case on merits, this Court is inclined to modify the condition imposed by the appellate Court vide order dated 16.12.2025 in Crl.M.P.No.12219 of 2025 in Crl.A.No.1491 of 2025, directing the petitioner to deposit 20% of the cheque amount.

6. Accordingly, the direction to deposit 20 % of the cheque amount is hereby modified as 10 %. Therefore, the petitioner is directed to



Crl.O.P.No.3414 of 2026

deposit 10 % of the cheque amount before the trial Court within a period of **four weeks** from the date of receipt of a copy of this order. It is also made clear that all other conditions remain unaltered.

7. With the above modification, this Criminal Original Petition stands disposed of.

12.02.2026

Neutral Citation: Yes/No
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To

1. The III Additional Sessions Judge,
Chennai.
2. The Metropolitan Magistrate,
Fast Track Court No.V,
Saidapet, Chennai,



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Crl.O.P.No.3414 of 2026

A.D.JAGADISH CHANDIRA, J.

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