



WEB COPY

CRL OP No. 5505 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE **M. NIRMAL KUMAR**

CRL OP No. 5505 of 2026
and CrI.M.P.No.4148 of 2026

P.Krishnan

..Petitioner

Vs

R.Murugesan

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the VI Additional City Civil Court, Chennai in CrI.MP.No.669 of 2026 in C.A.No.60 of 2026 by an order dated 23.01.2026.

For Petitioner : Mr.S.Suresh

ORDER

The present Criminal Original Petition has been filed seeking to set aside the order dated 23.01.2026 passed in CrI.M.P.No.669 of 2026 in C.A.No.60 of 2026 by the learned VI Additional Judge, City Civil Court, Chennai.

2. The case of the petitioner is that he filed a complaint in C.C.No.860 of 2020 as against the respondent herein for the offence under Section 138 of the Negotiable Instruments Act, 1881 before the learned XXVII Metropolitan Magistrate, Saidapet, Chennai. The learned trial Judge, after full-fledged trial,



found the respondent/accused guilty for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo one year simple imprisonment and to pay a sum of Rs.80,00,000/- (Rupees Eighty Lakhs) as compensation which is double the cheque amount. Aggrieved over the said order, the respondent/accused filed an appeal in C.A.No.60 of 2026 before the learned VI Additional Judge, City Civil Court, Chennai, along with a petition for suspension of sentence in Crl.M.P.No.669 of 2026. The learned appellate Judge while suspending the sentence directed the respondent/accused to deposit only Rs.4,00,000/- which is on wrong premise that the petitioner herein had manipulated the amount in the cheque given by the respondent/accused by inserting one 'zero' thereby making it as Rs.40,00,000/- (Rupees Forty Lakhs) instead of Rs.4,00,000/- (Rupees Four Lakhs). Hence, the complainant filed this petition to set aside the said order.

3. Heard the learned Counsel appearing for the petitioner and perused the order dated 23.01.2026 passed in Crl.M.P.No.669 of 2026 in C.A.No.60 of 2026 by the learned VI Additional Judge, City Civil Court, Chennai.

4. The primary contention of the learned Counsel appearing for the petitioner that the observation of the learned Appellate Judge in paragraph 5 of the order dated 23.01.2026 passed in Crl.M.P.No.669 of 2026 in C.A.No.60 of 2026 that manipulation was done in the cheque by adding one zero in the



cheque amount thereby making Rs.4,00,000/- as Rs.40,00,000/-, would affect the case of the petitioner. This Court is of the view that the observations made in the said order are limited only for the purpose of granting suspension of sentence and not for considering the entire case of the appellant/accused. The petitioner herein can raise all his defence in the appeal at the time of final hearing. Therefore, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. However, it is made clear that the Appellate Court shall consider the case of the appellant/respondent herein as well as the respondent/petitioner herein on its own merit and dispose of the appeal in accordance with law.

04-03-2026

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

To

1. The VI Additional Judge,
City Civil Court, Chennai.
2. The XXVII Metropolitan Magistrate,
Saidapet, Chennai.



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M.NIRMAL KUMAR, J.

SRM

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