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Crl.O.P. No. 6811 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No. 6811 of 2026

S. Prasath

..Petitioner

Vs.

G. Krishnamurthy

..Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS to set aside the order dated 25.02.2026 in C.M.P.SR. No. 764 of 2026 in Crl.A. No. 622 of 2024 by the learned XVIII Additional Sessions Judge, Singaravelar Maaligai, Chennai, and grant permission to withdraw 20% deposit amount i.e., Rs.2,33,000/- (Rupees Two Lakhs and Thirty Three Thousand only) lying to the credit of STC No. 3095 of 2023 on the file of XXV Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner

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Mr.P. Thinesh



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ORDER

This criminal original petition is filed to set aside the order dated 25.02.2026 passed in C.M.P. SR. No. 764 of 2026 in Crl.A. No. 622 of 2024 by the learned XVIII Additional Sessions Judge, Singaravelar Maaligai, Chennai and permit the petitioner to withdraw the 20% deposit amount i.e., Rs.2,33,000/- lying to the credit of STC No. 3095 of 2023 on the file of XXV Metropolitan Magistrate, Saidapet, Chennai.

2. The petitioner as complainant had filed a complaint against the respondent herein and the same was taken on file as STC No. 3095 of 2023 by the XXV Metropolitan Magistrate, Saidapet, Chennai for the offence under Section 138 of Negotiable Instruments Act. By judgment dated 23.07.2024, the Trial Court convicted the respondent as against which an appeal in Crl.A. No. 622 of 2024 was preferred by the respondent before the learned XVIII Additional Sessions Judge, Chennai. At the time of admission of the appeal, the respondent herein was directed to deposit 20% of the compensation amount to the credit of STC No. 3095 of 2023 as a pre-condition for suspension of sentence. The said condition was also complied



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with and a sum of Rs.2,33,000/- was deposited by the respondent before the Trial Court. Subsequently, by judgment dated 17.04.2025, the learned Sessions Judge dismissed the appeal confirming the conviction and sentence imposed on the respondent by the Trial Court. The respondent/accused did not file any revision challenging the said judgment and therefore, the conviction of the respondent by the Trial Court and confirmed by the Sessions Court had attained finality.

3. At this stage, the petitioner moved an application on 19.02.2026 before the Trial Court seeking permission to withdraw the sum of Rs.2,33,000/- deposited by the respondent during the pendency of the appeal. The respondent/accused also gave 'No Objection' for withdrawal of the amount. However, the Trial Court, returned the application with an endorsement that no specific order was made in Crl.A. No. 622 of 2024 by the Sessions Court as regards this amount lying in deposit. Therefore, the petitioner filed Crl.M.P. SR. No. 764 of 2026 before the Sessions Court and the Sessions Court also returned the same as against which the present criminal original petition has been filed.



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4. Today, when the matter was taken up, learned counsel for the petitioner produced an undertaking affidavit of the complainant/petitioner herein in which he had stated that he had received a sum of Rs. 2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) from the respondent/accused as an out of the Court settlement; had further agreed to withdraw Rs.2,33,000/- (Rupees Two Lakhs and Thirty Three thousand only) which had been deposited to the credit of STC No. 3095 of 2023 before the Trial Court and as regards the balance amount of Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand only), the accused had stated that it would be settled during the first week of April, 2026. In the event of settlement of the balance amount, the petitioner had undertaken to compound the offence by filing a petition under Section 147 of Negotiable Instruments Act before the Court concerned.

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

6. It is seen that the petitioner filed a 138 case against the respondent for a total cheque amount of Rs.11 lakhs covered by 12 cheques, out of which, after conviction by the Trial Court, during the pendency of



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appeal, a sum of Rs.2,33,000/- was deposited as stated above. After the dismissal of the appeal, the petitioner had received Rs.2,50,000/- and the present petition has been filed seeking permission to withdraw the said sum of Rs.2,33,000/-. The balance amount of Rs.5,50,000/- had been agreed to be settled by the respondent/accused during the first week of April, 2026.

7. Since the respondent has also expressed ‘ No Objection’ for the withdrawal of the amount of Rs.2,33,000/- lying to the credit of STC No. 3095 of 2023, the Trial Court is directed to return the sum of Rs.2,33,000/- lying before it to the credit of STC No. 3095 of 2023 with accrued interest, if any, to the petitioner, dispensing with notice to the respondent, on the petitioner filing appropriate application along with a copy of this order.

8. The criminal original petition is disposed of accordingly.

24.03.2026

Neutral Citation: Yes/No

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M. NIRMAL KUMAR,J.

nv

To

1. XXV Metropolitan Magistrate, Egmore,
Chennai.
2. The XVIII Additional Sessions Judge,
Chennai.

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