



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 12969 of 2026

M.K.Construction,
Rep. by M. Gunasekaran,
No. 110/1, Mullai Nagar, Perumukkal,
Tindivanam, Villupuram - 601 301.

Petitioner(s)

Vs

M/s.Kotak Mahindra Bank Ltd.
Rep. by its Authorised Signatory,
M.Vimalraj,
TVH, Agnitio Park, 8th Floor,
141, Old Mahabalipuram Road,
Kandhanchavadi, Chennai 96.

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to modify the conditional order dated 25.02.2026 in CrI.MP.No.1 of 2026 in C.A.No.257 of 2026 on the file of XX Additional Sessions Judge, Allikulam, Chennai pending on the file of directing the petitioner to deposit 20% of the amount in STC No. 13320/2019 pending on the file of XXV Metropolitan Magistrate, Egmore, Chennai to 10% and pass such other or further order as this Court deems fit and proper in the circumstances of the case.

For Petitioner(s): Mr.S.N.Subramani



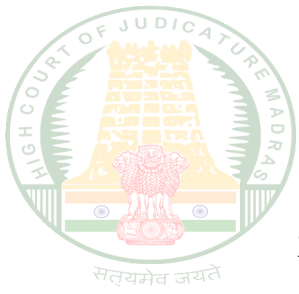
ORDER

This Criminal Original Petition has been filed, seeking modification of the conditional order dated 25.02.2026 passed in Crl.MP.No.1 of 2026 in C.A.No.257 of 2026 on the file of XX Additional Sessions Judge, Allikulam, Chennai, directing the petitioner to deposit 20% of the amount to be deposited in STC No. 13320/2019 pending on the file of XXV Metropolitan Magistrate, Egmore, Chennai to 10%.

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 XXV Metropolitan Magistrate, Egmore, Chennai, in S.T.C.No.13320 of 2019.

2.2. On 06.02.2026, the trial Court found the petitioner/accused guilty, convicted him and sentenced to undergo simple imprisonment for a period of 1½ years and directed to pay the cheque amount of Rs.20,76,000/- towards compensation to the complainant within a period of two months from the date of the order, in default to undergo simple imprisonment for a period of four months.



WEB C.A.No.257

2.3. Against the said judgment, the petitioner preferred an appeal in C.A.No.257 of 2026 along with a petition in Crl.M.P.No.1 of 2026, seeking suspension of sentence. On 25.02.2026, the learned XX Additional Sessions Judge, Chennai, while suspending the sentence imposed on the petitioner, directed him to deposit 20% of the compensation amount before the trial Court within a period of 60 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 had already executed the sureties. However, he is unable to mobilize 20% of the cheque amount as directed by the appellate Court to be deposited. He further submitted that the petitioner has a good and meritorious case in the appeal. Therefore, he prayed that the order directing the petitioner to deposit 20% of the compensation amount be set aside.

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

5. This Court is of the view that the appellate Court, on considering the materials available on record, has rightly passed the order suspending the sentence imposed on the petitioner and this Court is not inclined to interfere



with the same. However, taking into account the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, more particularly, the petitioner's inability to mobilise the amount as directed by the appellate Court, this Court is inclined to modify condition as follows:

(i) The petitioner shall deposit a sum of Rs.2,15,200/- being a first installment towards 20% of the cheque amount, before the trial Court to the credit of S.T.C.No.13320 of 2019, within a period of 30 days from the date of receipt of a copy of this order being hosted in the High Court Website.

(ii) The balance amount of Rs.2,00,000/- shall be deposited before the trial Court to the credit of S.T.C.No.13320 of 2019, within a further period of 30 days thereafter.

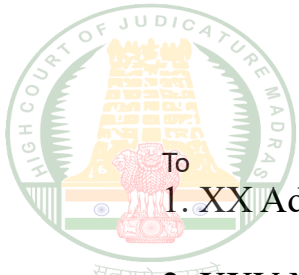
(iii) It is made clear that the petitioner shall deposit the entire 20% of the cheque amount before the trial Court, within a period of 60 days from the date of receipt of a copy of the order being hosted on the High Court Website.

6. With the above directions, this Criminal Original Petition is disposed of.

05-06-2026

Jd

Neutral Citation: Yes/No



To

1. XX Additional Sessions Judge, Chennai.

2. XXV Metropolitan Magistrate, Egmore, Chennai.

3. The Public Prosecutor,

High Court of Madras, Chennai.

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M.NIRMAL KUMAR J.
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