



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15134 of 2026

WEB COPY

1. Bellie's Fashion
No.216/104, G.A.Road,
Old Washermanpet,
Chennai.
2. M.S.Suresh
Proprietor,
M/s Bellie's Fashion,
No.216/104, G.A.Road,
Old Washermanpet,
Chennai.

..Petitioner(s)

Vs.

Ott's Clothing Pvt Ltd,
Rep by their authorizes Personnel,
Mr.Gaurang, D.Mehta,
No.30, 3rd Floor, Bazullah Road,
T.Nagar, Chennai.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to Modify the condition imposed in para number 6. considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 10 percentage of the compensation amount of the order passed in Crl.MP.No.1 of 2026 in Crl.A.No.556 of 2026 dated 20.04.2026 and pass such further or other orders.

For Petitioner(s):

Mr.T.Elumalai



ORDER

WEB COPY This Criminal Original Petition has been filed to modify the condition imposed in para No.6 of the order dated 20.04.2026 made in Crl.M.P.No.1 of 2026 in Crl.A.No.556 of 2026.

2. The 1st petitioner is a proprietary concern, namely M/s. Bellie's Fashion, and the 2nd petitioner is its proprietor. Both the petitioners were found guilty of the offence under Section 138 of the Negotiable Instruments Act by judgment dated 26.03.2026 passed in S.T.C. No.3715 of 2023 by the learned XXVII Metropolitan Magistrate, Saidapet, Chennai. The Trial Court sentenced the 2nd petitioner to undergo simple imprisonment for one year and directed the petitioners to pay compensation of Rs.1,23,26,602/-, in default of payment of compensation, to undergo simple imprisonment for a further period of three months. The Trial Court further directed that the compensation amount of Rs.1,23,26,602/- be paid within a period of two months.

3. Aggrieved by the said judgment, the petitioners preferred an appeal in Crl.A. No.556 of 2026 before the learned V Additional City Civil and Sessions Judge, Chennai. Pending disposal of the appeal, the petitioners filed Crl.M.P. No.1 of 2026 seeking suspension of sentence. By order dated 20.04.2026, the appellate Court allowed the petition subject to the following conditions:



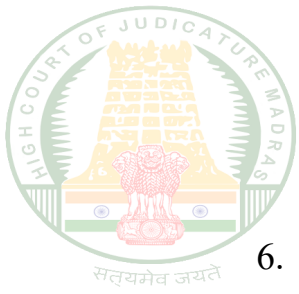
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“7. Accordingly, the sentence of imprisonment imposed on the petitioner by the lower Court is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned XXVII Metropolitan Magistrate Court at Saidapet, Chennai on or before 04.05.2026. Further, the petitioner shall deposit 10% of the compensation amount before the learned XXVII Metropolitan Magistrate Court at Saidapet, Chennai at the credit of S.T.C.No.3715 of 2023 within sixty days from the date of this Order.”

4. Challenging the aforesaid condition, the present petition has been filed.

5. The learned counsel for the petitioners submitted that the dispute arises out of a business transaction and that the petitioners have a good case on merits with a fair chance of succeeding in the appeal. According to the learned counsel, the respondent has failed to prove the supply of materials, and the cheques in question, which were issued only as security, have been misused by the respondent. He further submitted that the complaint has been instituted on the basis of three cheques, two of which were for a sum of Rs.20,00,000/- each and the third for a sum of Rs.21,63,301/-, aggregating to a total cheque amount of Rs.61,63,301/-.



6. In the light of the above, this Court finds no illegality, infirmity, or perversity in the order dated 20.04.2026 passed by the learned I Additional Judge, V Additional City Civil Court, Chennai, in Crl.M.P. No.1 of 2026 in Crl.A. No.556 of 2026 in S.T.C.No.3715 of 2023. The condition directing the petitioners to deposit 10% of the compensation amount is in consonance with the provisions of the Negotiable Instruments Act and does not warrant interference by this Court. The petitioners are directed to deposit the 10 % of the compensation amount, i.e., Rs.12,32,660/-, within a period of one month from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition stands disposed. The order dated 20.04.2026 passed by the learned I Additional Judge, V Additional City Civil Court, Chennai, in Crl.M.P. No.1 of 2026 in Crl.A. No.556 of 2026 in S.T.C.No.3715 of 2023, is hereby confirmed, by extending the period of one month to deposit the conditional amount.

16-06-2026

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

JER

To
The I Additional Judge, V Additional City Civil Court, Chennai.



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M.NIRMAL KUMAR, J.

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