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CRL OP No. 640 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

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

CRL OP No. 640 of 2026

1. Sri Venkateshaa Agency
Proprietor Mr.G.Venkatesan.

2. Mr.G.Venkatesan.

..Petitioners

Vs

The India Cements Limited
Corporate Office at Coromandel Towers,
Rep by its, Authorized Signatory
Mr.N.G.Jayakumar.

..Respondent(s)

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita to modify the condition imposed in the order dated 15.10.2025 in CrI.MP.No.9945 of 2025 in C.A.No.1248 of 2025, in respect to deposit of 20 percentage of the total compensation amount to the cheque amount to the credit of CC number on the file of the Trial Court within sixty days from the order dated 15.10.2025.

For Petitioners : Mr.B.Balaji



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ORDER

The present Criminal Original Petition has been filed to modify the condition imposed by the III Additional Sessions Judge, Chennai vide order dated 15.10.2025 in CrI.MP.No.9945 of 2025 in C.A.No.1248 of 2025.

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 petitioners before the learned Fast Track Court-I, Metropolitan Magistrate at Egmore in C.C.No.2457 of 2021.

2.2. On 25.08.2025, the trial Court found the second petitioner/accused guilty, convicted him and sentenced him to undergo six months simple imprisonment and further directed him to pay the cheque amount of Rs.14,33,827/- as compensation, in default to undergo one month simple imprisonment.

2.3. Against the said judgment, the petitioners preferred an appeal in CrI.A.No.1248 of 2025 along with a petition in CrI.M.P.No.9945 of 2025 seeking suspension of sentence with respect to the second petitioner. On 15.10.2025, the III Additional Sessions Judge, Chennai, while suspending the



sentence imposed on the second petitioner, directed him to deposit 20 % of the compensation 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 petitioners submitted that the petitioners are undergoing severe financial distress owing to business reversal, and statutory dues and therefore, unable to mobilize the amount. He further submitted that the petitioners have a good and meritorious case in appeal. Therefore, he prayed that the order directing the petitioners to deposit 20 % of the compensation amount may be modified.

4. Having heard the learned counsel for the petitioners and perused the materials available on record, this Court is of the view that the appellate Court, while holding that the second petitioner/second 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 petitioners that there are arguable grounds in the appeal and that they have a good case on merits, this Court is inclined to modify the conditions imposed by the appellate Court in Crl.M.P.No.9945 of 2025 in Crl.A.No.1248 of 2025 dated 15.10.2025. Accordingly, the direction to deposit 20 % of the compensation amount is hereby modified as 10 %. It is also made clear that all other conditions remain



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5. At this juncture, the learned counsel appearing for the petitioners prayed that some reasonable time may be granted to the petitioners to comply with the said condition.

6. Accordingly, the petitioners are directed to deposit 10 % of the compensation amount before the trial Court within a period of **two weeks** from the date of receipt of a copy of this order. It is made clear that no further extension/modification will be granted.

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

27-01-2026

Neutral Citation: Yes/No
MRN

Note: Issue order copy by 30.01.2026

To
The III Additional Sessions Judge, Chennai.



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A.D.JAGADISH CHANDIRA, J.

MRN

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