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CRL OP No. 34982 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

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

CRL OP No. 34982 of 2025

Bobby Lavanya
W/o Prabhu Kumar

..Petitioner(s)

Vs

T.Chandrasekar
S/o Thukaram

..Respondent(s)

PRAYER IN CRL OP No. 34982 of 2025

Criminal Original Petition filed under Sec.528 of B.N.S.S., 2023, to modify the condition imposed in MP.No.1 of 2025 in Crl.A.No.245 of 2025 dated 11.11.2025 passed by the Principal District and Sessions Judge, Tiruvallur.

For Petitioner(s): Mr. Adinarayana Rao

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed in M.P.No.1 of 2025 in Crl.A.No.245 of 2025 vide order dated 11.11.2025 by the Principal District and Sessions Judge, Thiruvallur.

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 Judicial



Magistrate, Fast Track Court (Magisterial Level), Ambattur, Tiruvallur, in
S.T.C.No.154 of 2021.

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2.2. On 08.10.2025, the trial Court found the petitioner/accused guilty, convicted her and sentenced her to undergo twenty months simple imprisonment and further directed her to pay the cheque amount of Rs.50,85,700/- as compensation within one month, in default to undergo two months simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.245 of 2025 along with a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence. On 11.11.2025, the Principal District and Sessions Judge, Tiruvallur, while suspending the sentence imposed on the petitioner, directed her 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 petitioner submitted that the petitioner had not borrowed any amount from the respondent and the alleged transfer of Rs.50,85,700/- was made by the respondent only on the instructions of one Azhagu Pandian, who had arranged the funds for the purpose of facilitating a bank loan. He submitted that the respondent is only a name-lender and while the cheque was issued to Azhagu Pandian, it has been misused, resulting in abuse of process of law. He submitted that the court below failed to



appreciate the fact that there is no documentary evidence establishing a legally enforceable debt between the petitioner and the respondent. He further submitted that the petitioner has a good and meritorious case in appeal. He submitted that she is ready to deposit 10% of the amount. Therefore, he prayed that the order directing the petitioner to deposit 20% of the compensation amount may be modified.

4. Having heard the learned counsel for the petitioner and perused the materials available on record, this Court is of the view that the appellate Court, while holding that the petitioner/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 petitioner that there are arguable grounds in the appeal and that she has a good case on merits, this Court is inclined to modify condition imposed by the appellate Court in Crl.M.P.No.1 of 2025 in Crl.A.No.245 of 2025 vide order dated 11.11.2025. 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 unaltered.

5. At this juncture, the learned counsel appearing for the petitioner prayed that four weeks time may be granted to the petitioner to comply with the said condition.



6. Accordingly, the petitioner is directed to deposit 10 % of the compensation amount before the trial Court within a period of **four weeks** from the date of receipt of a copy of this order.

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

02-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Principal District and Sessions Judge, Tiruvallur.



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A.D.JAGADISH CHANDIRA J.

RPP

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