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Crl. O.P. No.2415 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

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

Crl. O.P. No.2415 of 2026

and

Crl.M.P.No.1606 of 2026

Jaganathan

..Petitioner

Vs

A.Muthuraman

..Respondent

PRAYER Criminal Original Petition is filed under Section 482 of Cr.P.C., / 528 of Bharatiya Nagarik Suraksha Sanhita to set aside the conditional order dated 05.12.2025 made in M.P.No.1/2025 in C.A.No.1458/2025 on the file of the XV Additional Sessions Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Sathish

ORDER

The present Criminal Original Petition has been filed seeking to set aside the conditional order dated 05.12.2025 made in M.P.No.1/2025 in C.A.No.1458/2025 on the file of the XV Additional Sessions Judge, City Civil Court, Chennai.



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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 XXXVII Metropolitan Magistrate, FTC-IV, George Town, Chennai, in S.T.C.No.1616 of 2023.

2.2. On 31.10.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo eleven months simple imprisonment and further directed him to pay the cheque amount of Rs.78,87,467/- as compensation, in default to undergo three months simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.1458 of 2025 along with a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence. On 05.12.2025, the XV Additional Sessions Judge, City Civil Court, Chennai, while suspending the sentence imposed on the petitioner, directed him to deposit 20 % of the compensation amount before the trial Court within thirty 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 on 06.05.2019, the petitioner had executed a mortgage deed in Doc No.4352 of 2019, on the file of SRO, Gandhipuram, in favour of the respondent and obtained loan from him. The said property is worth about Rs.3 crores. He further submitted that the petitioner has a good and meritorious case in appeal. Therefore, the condition imposed in the bail petition is unsustainable. Hence, 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 he 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.1458 of 2025 dated 05.12.2025. 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 some reasonable 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. Consequently, connected miscellaneous petition is closed.

03-02-2026

Neutral Citation: Yes/No
MRN

To

1. The XV Additional Sessions Judge,
City Civil Court, Chennai.
2. The XXXVII Metropolitan Magistrate,
FTC-IV, George Town, Chennai.



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A.D.JAGADISH CHANDIRA, J.

MRN

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