



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 18489 of 2026

Thomas J Kattampally
S/o. Chacko Joseph Kattampally,
Flat(door) No.12, Emerald Flats Iyyappa Layout,
Okkiyam(very near to Cognizant), Thuraipakkam,
OMR, Chennai.
Presently at,
A-6, 302, 3rd Floor, Akshaya Adair Apartment,
Old Mahabalipuram Road,
Kazhipattur,
Kancheepuram District.

..Petitioner(s)

Vs

Manjua Dushiyanthi J.
D/o. James Jayaratnam,
Now No.1, Old No.10 II nd Floor,
4th street, PTC Colony.
Thiruvanmiyur, Chennai.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, to set aside and modify the condition para 5(ii), that the appellant/ accused shall deposit 20 percentage of the cheque amount (20% Percentage of Rs.40,00,000/- into the credit of C.C.No.5001/2017 before the trial court on or before 03.06.2026 in order dated 30.04.2026 passed by the Hon'ble III Additional Sessions Judge, City Civil Court, Chennai passed in CrI.MP.No.4030 of 2026 in C.A.No.583 of 2026.



For Petitioner(s):

Mr. D.Kulasekaran

For Respondent(s):

Mrs.J.Manjula Dushiyanthi
(Respondent -in-Person)**ORDER**

This Criminal Original Petition has been filed to set aside and modify the condition para 5(ii), that the petitioner/appellant/accused shall deposit 20 percentage of the cheque amount (20% Percentage of Rs.40,00,000/- into the credit of C.C.No.5001/2017 before the trial court on or before 03.06.2026 in order dated 30.04.2026 passed by the Hon'ble III Additional Sessions Judge, City Civil Court, Chennai passed in CrI.MP.No.4030 of 2026 in C.A.No.583 of 2026.

2. The learned counsel for the petitioner/appellant/accused submits that the petitioner/appellant/accused has complied with the 1st condition vide order dated 30.04.2026 i.e., the petitioner/appellant/accused has executed a bond for Rs.10,000/- with two sureties, before the learned XXVII Metropolitan Magistrate, Saidapet, Chennai. Due to financial crisis the petitioner/appellant/accused has failed to comply with 2nd condition that the petitioner should deposit 20% of the cheque amount (20% of Rs.40,00,000/-) into the credit of C.C.No.5001/2017 before the trial Court on or before 09.05.2026.



3. In this regard, the learned counsel for the petitioner/appellant/accused has referred the Judgment of the Hon'ble Supreme Court rendered in ***Jamboo Bhandari Vs. M.P.State Industrial Development Corporation Ltd and others*** reported in (2023(3)MWN (Crl) 104 (SC) has held that deposit 20% of the compensation amount is not an absolute rule and it can be reduced or even exempted in exceptional cases by assigning reasons. Further, he was unable to mobilize the funds. Hence, he prays to set aside and modify the aforesaid condition.

4. Mrs.J.Manjula Dushiyanthi, (Respondent-in-Person) reiterated the prosecution case and submits that so far, the petitioner has not complied with the condition imposed on him.

5. Heard both sides and perused the materials available on records.

6. A perusal of the same, this Court finds no infirmity or illegality in the condition imposed by the Appellate Court while suspending the sentence of the petitioner herein and it is liable to be dismissed.



7. Accordingly, this Criminal Original Petition stands dismissed.

However, the time to comply with condition imposed by the Appellate Court is extended till 28.08.2026. If the petitioner fail to comply with the condition on or before 28.08.2026, the Appellate court is directed to take appropriate action as against the accused.

21-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Vv

Note: **Issue Order Copy on 24.08.2026**

To

1. The III Additional Sessions Judge, City Civil Court, Chennai
2. The XXVII Metropolitan Magistrate, Saidapet, Chennai.
3. The Public Prosecutor, High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN, J.

Vv

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