



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17796 of 2026

and

CRL.MP.No.11888 of 2026

Hitesh Kumar,
S/o. Otmal Jain,
Proprietor of Shree Mohankheda Finance,
No.11-A/1, Ekambareswarar Agraharam Street,
Park Town, Chennai-600 003.

..Petitioner(s)

Vs

K.Ramesh
S/o. Late Kasi Vishwanathan,
Flat No.F1, First Floor, A-Block No.916/2,
Thirumullaivoyal Road,
Korattur, Chennai-600080.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 04.06.2026 passed in M.P.No. 02 of 2026 in C.A.No.739 of 2026 arising out of STC.No.1721 of 2023 by the Hon'ble XVI Additional City Civil Court, Chennai and consequently, direct the respondent / Accused to deposit minimum 20% of the compensation amount awarded in STC No.1721 of 2023 before the Trial Court as a condition for suspension of sentence in accordance with Section 148 of the Negotiable Instruments Act, 1881.

For Petitioner(s):

Mr.S.Dhakshnamoorthy



ORDER

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This Criminal Original Petition has been filed challenging the order dated 04.06.2026 passed in M.P.No.02 of 2026 in C.A.No.739 of 2023 by the learned XVI Additional City Civil Court, Chennai.

2. The above appeal has been filed by the respondent / accused challenging the conviction for the offence punishable under Section 138 of the Negotiable Instruments Act. While exercising the power under Section 148 of the Negotiable Instruments Act and granting suspension of sentence, the trial Court directed the respondent / accused to deposit 5% of the cheque amount within a period of sixty days.

3. The petitioner / complainant is aggrieved by the said direction. The learned counsel for the petitioner submitted that when the statute confers discretion on the Court to direct the accused to deposit up to 20% of the cheque amount, and in the absence of any exceptional circumstances, the trial Court ought not to have restricted the deposit to only 5%. The learned counsel further submitted that the debt arose out of a registered mortgage transaction and that the cheque was issued towards discharge of the said liability.



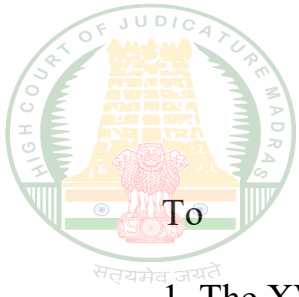
4. I have considered the above submissions. Though the learned counsel may be justified in contending that no special or extraordinary circumstances have been made out for directing deposit of only 5% of the cheque amount, this Court is of the view that the petitioner is only the complainant and that it would be in the best interest of the complainant if the criminal appeal itself is disposed of expeditiously rather than entertaining this petition and prolonging the proceedings.

5. In view of the above, and considering the submission that the said 5% amount has already been deposited, I am of the opinion that the discretion exercised by the trial Court does not warrant interference.

6. Accordingly, this Criminal Original Petition No.17796 of 2026 is disposed of with a direction to the learned XVI Additional City Civil Court, Chennai or any other Court to which the matter may subsequently be transferred, to dispose of the Criminal Appeal No. 739 of 2023 as expeditiously as possible and in any event, within a period of six months from the date of receipt of a web copy of this order. Consequently, connected miscellaneous petition is closed.

09-07-2026

Neutral Citation: Yes/No
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To

1. The XVI Additional City Civil Court, Chennai.
2. The XXXVII Metropolitan Magistrate Court (FTC-IV),
George Town, Chennai – 1.

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D.BHARATHA CHAKRAVARTHY, J.

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09-07-2026