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CrI.O.P.No. 18456 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.18456 of 2026
and CrI.M.P.No.12285 of 2026

E.Gomathi,
W/o.Ezhumalai,
No.48, Vinayagar Koil Street,
Gandhi Nagar,
Puducherry – 09.

..Petitioner(s)

Vs

Padmavathy,
W/o.Babu
No.17, VOC Street,
Shanmugapuram,
Puducherry – 09.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the order dated 30.04.2026 passed in M.P.No.1 of 2026 in Criminal Appeal No.64 of 2026 on the file of the learned Principal District Judge, Puducherry, set aside the condition insofar as directing the petitioner to deposit 20% of the compensation amount and consequently direct the learned Principal District Judge, Puducherry, to hear and dispose Criminal Appeal No.64 of 2026 on merits and in accordance with law.

For Petitioner(s): Mr.P.Sudagar

For Respondent(s): No appearance



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ORDER

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This petition has been filed challenging the order dated 30.04.2026, passed by the learned Principal District Judge, Puducherry, in M.P.No.1 of 2026 in C.A.No.64 of 2026, thereby directing the petitioner to deposit 20% of the compensation amount before the Trial Court within a period of two months.

2. Heard the learned counsel appearing for the petitioner. Though notice has been duly served and the name of the respondent is also printed in the cause list, none has appeared on behalf of the respondent, either in person or through counsel.

3. On perusal of the records, it is revealed that the petitioner was convicted by the judgment dated 10.04.2026, for the offence punishable under Section 138 of the Negotiable Instrument Act, by the learned Judicial Magistrate, Fast Track Court, Puducherry, in S.T.C.No.1621 of 2021 and was sentenced to undergo one year simple imprisonment and to pay a compensation of the cheque amount viz., Rs.4,00,000/- to the complainant, in default to undergo one month simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.64 of 2026 along with the petition to suspend the sentence

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pending disposal of the appeal. The Appellate Court, while considering the petition for suspension of sentence, by an order dated 30.04.2026 suspended the sentence alone till the disposal of the appeal on condition to deposit 20% of the compensation amount before the Trial Court within a period of two months.

4. Though, the Hon'ble Supreme Court of India had held that the requirement to deposit of 20% is generally a rule for suspension of sentence, however this Court can reduce or exempt such deposit in certain exceptional or reasoned cases.

5. Whereas, in the case on hand, this Court finds no valid reason or any exceptional circumstance to reduce such deposit. Hence, this Court finds no infirmity or illegality in the order passed by the Appellate Court thereby imposing condition to deposit 20% of the compensation amount. However, this Court is inclined to extend the time to comply the order passed by the Appellate Court. Accordingly, the petitioner shall comply the condition imposed in the order dated 30.04.2026 passed by the learned Principal Sessions Judge, Chennai, in M.P.No.1 of 2026 in C.A.No.64 of 2026, on or before 21.08.2026.



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6. Accordingly, the Criminal Original Petition stands disposed.

Consequently, the connected miscellaneous petition is closed.

14.08.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

*Note : Issue order copy today
i.e., on 14.08.2026*

rts



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To

1. The Principal District Judge,
Puducherry.

2. The Judicial Magistrate,
Fast Track Court, Puducherry.



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G.K.ILANTHIRAIYAN, J.

rts

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