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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2026

CORAM

**THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR**

**Crl. OP(MD).No.12222 of 2026**

R.Venkatesh

....Petitioner/Accused

Vs

S.Iyyappan

....Respondent /Complainant

**Prayer:** This petition is filed under Section 528 of BNSS, 2023, to set aside and modify the condition in Crl.M.P.No.1632 of 2026 in Crl.A.No.63 of 2026 dated 28.04.2026 on the file of the Principal Sessions Judge, Tirunelveli.

For Petitioner

: Mr.S.Subaharan

**ORDER**

The present petition has been filed by the accused person in STC.No. 292 of 2024 on the file of the Judicial Magistrate, Valliyur seeking to set aside the order passed by the Appellate Court in Crl.M.P.No.1632 of 2026 in Crl.A.No.63 of 2026 on the file of the Principal Sessions Judge, Tirunelveli.

2.The petitioner having been convicted by the trial Court had approached the appellate Court seeking suspension of sentence. By way of an

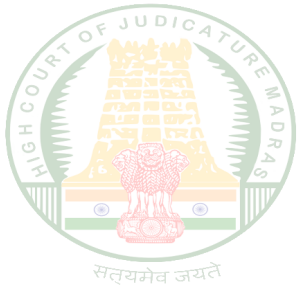


order dated 28.04.2026, the appellate Court had directed the petitioner herein to deposit 20% of the compensation amount imposed by the trial Court arising out of the proceedings under Section 138 of Negotiable Instruments Act. Aggrieved over the same, the present petition has been filed.

3. According to the learned counsel for the petitioner, the petitioner's wife is under treatment and due to medical expenses, he is not in a position to deposit a sum of Rs.87,000/- which has been directed by the Appellate Court as a condition for suspension of sentence. He also relied upon a decision of the Hon'ble Supreme Court reported in **2023 INSC 822 (Jamboo Bhandari Vs. M.P.State Industrial Development Corporation Ltd., and others)** wherein the Hon'ble Supreme Court has held that imposition of 20% of the compensation amount as a condition precedent for granting suspension of sentence is not mandatory and exceptional circumstances can be considered by the appellate Court.

4. Heard the learned counsel appearing for the petitioner and perused the material records.

5. Considering the medical records produced on the side of the petitioner herein, instead of a sum of Rs. 87,000/-, the petitioner shall deposit a sum of Rs.70,000/- before Judicial Magistrate, Valliyur on or before 31.07.2026. In other respects, the order stands confirmed.



**WEB COPY** 6. With the above said directions, this Criminal Original Petition stands partly allowed.

**25.06.2026**

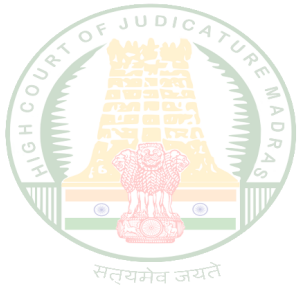
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NCC : Yes/No  
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To

1. The Principal Sessions Judge, Tirunelveli.

2. The Judicial Magistrate  
Valliyur

3. The Additional Public Prosecutor  
Madurai Bench of Madras High Court  
Madurai



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**R.VIJAYAKUMAR, J.**

msa

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