



Crl. O.P. No. 4019 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM:

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

Crl. O.P. No. 4019 of 2026

and

Crl. M.P. No. 2771 of 2026

V.E. Govindarajulu

... Petitioner

Vs.

M. Suresh

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to set aside the order passed in Crl.M.P. No.3 of 2025 dated 05.01.2026 on the file of the XXI Additional Sessions Court at Allikulam, Chennai.

For Petitioner : Mr. D. Parventhan

ORDER

The present Criminal Original Petition has been filed seeking to set aside the order passed by the XXI Additional Sessions Court, Allikulam, dated 05.01.2026, in Crl.M.P.No.3 of 2025.

2. The brief facts of the case are as follows :-

2.1. The complaint under Section 138 of the Negotiable



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Instruments Act was filed by the respondent against the petitioner before the learned Metropolitan Magistrate, FTC-II, Egmore @ Allikulam, in S.T.C. No. 5826 of 2023.

2.2. On 01.02.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo one year simple imprisonment and further directed him to pay the cheque amount of Rs.20,00,000/- as compensation, in default to undergo two months simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.1010 of 2025 along with a petition in Crl.M.P.No.8857 of 2025 seeking suspension of sentence. On 16.09.2025, the XXI Additional Sessions Court, Allikulam, Chennai, while suspending the sentence imposed on the petitioner, directed him to deposit 20 % of the compensation amount before the trial Court within sixty days from the date of the said order. Aggrieved thereby, the petitioner filed a petition in Crl.M.P.No.3 of 2025 seeking modification of the order dated 16.09.2025 to permit deposit of 5% of the cheque amount. On 05.01.2026, the XXI Additional Sessions Court, Allikulam, Chennai, dismissed the modification petition. Aggrieved by the same, the present petition has been filed.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an Advocate by profession. Despite the defence having examined witnesses and produced documents, the lower Court allowed the batch of three cases under Section 138 of Negotiable Instruments Act. Owing to the pendency of the three cases, the petitioner is unable to mobilize the amount. He further submitted that the petitioner has a good and meritorious case in appeal. Therefore, he prayed that the order directing the petitioner to deposit 20% of the compensation amount may be set aside.

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 7(i) imposed by the appellate Court in Crl.M.P.No.8857 of 2025 in Crl.A.No.1010 of 2025 dated 16.09.2025. 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.



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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.

18.02.2026

Index: Yes/No

Neutral Citation: Yes/No

AT

To

1. The XXI Additional Sessions Judge, Allikulam, Chennai.
2. The Metropolitan Magistrate, FTC-II, Egmore @ Allikulam, Chennai,



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A.D.JAGADISH CHANDIRA, J.

AT

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