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Crl.O.P.No.4123 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4123 of 2026

Ramesh Babu

... Petitioner

-Vs-

T.S.Bhaskaran

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S, to issue a direction to set -aside the order passed in Crl.M.P.No.1 of 2025 in C.A.No.19 of 2025 on the file of the Principal District and Sessions Judge at Kancheepuram pleased and to waive the condition imposed in the order dated 19.12.2025 in C.M.P.No.1 of 2025 in C.A.No.19 of 2025 requiring the petitioner to deposit 10 percentage (ten percent of the Principal amount of Rs.48,90,000/- (i.e., Rs.4, 89,000/-) in terms of Section 148(1) of the Negotiable Instruments Act, 1881 and permit the Petitioner to comply with all other conditions imposed, in the said order dated 19.12.2025, including surrendering before the learned Judicial Magistrate, Sriperumbudur, executing a bond for Rs.10,000/- with two sureties for a like sum each, and appearing before this Hon'ble Court on 19.01.2026 and on all subsequent dates.

For Petitioner : Mr.A.Ramalingam

ORDER

The present Criminal Original Petition has been filed seeking to set aside the order passed by the Principal District and Sessions Judge, Kancheepuram, dated 19.12.2025, in C.M.P.No.1 of 2025 in C.A.No.19 of 2025.

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

2.1. The complaint under Section 138 of the Negotiable Instruments Act was filed by the respondent against the petitioner before the learned Judicial Magistrate, Sriperumbudur, in C.C.No.74 of 2020.

2.2. On 17.11.2025, 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.90,00,000/- as compensation, in default to undergo one month simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in Crl.A.No.19 of 2025 along with a petition in Crl.M.P.No.1 of 2025 seeking suspension of sentence. On 19.12.2025, the Principal District and Sessions Judge, Kancheepuram, while suspending the sentence imposed on the petitioner, directed him to deposit 10 % of the compensation amount before the trial Court. Aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the petitioner is the sole breadwinner of his family. He further submitted that his dependents rely entirely on his meager earnings, and that insisting on a pre-deposit condition would not only cause severe financial hardship to the petitioner but also result in the deprivation of his innocent family members. He

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also submitted that the petitioner has a good and meritorious case in appeal.

Therefore, he prayed that the order directing the petitioner to deposit 10 % 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 imposed by the appellate Court in Crl.M.P.No.1 of 2025 in Crl.A.No.19 of 2025 dated 19.12.2025. Accordingly, the direction to deposit 10 % of the compensation amount is hereby modified as 5 %. It is also made clear that all other conditions remain unaltered.

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.



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6. Accordingly, the petitioner is directed to deposit 5 % 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.

19.02.2026

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

rpl

To

1.The Principal District and Sessions Judge, Kancheepuram.

2.The Judicial Magistrate, Sriperumbudur.



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A.D.JAGADISH CHANDIRA . J,

rpl

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