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Crl.O.P.No.4518 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24.02.2026**

CORAM:

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

**Crl.O.P.No.4518 of 2026**

B.Chittibabu

... Petitioner

Vs.

S.Balasundaram

... 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 condition imposed in paragraph 6(b) of the order dated 28.01.2026 passed in Crl.M.P.No.1 of 2026 in C.A.No.89 of 2026, on the file of the XXI Additional Sessions Court, Allikulam, Chennai.

For Petitioner : Mr.N.S.Suganthan

### **ORDER**

The present Criminal Original Petition has been filed seeking to set aside condition 6 (b) imposed in the order passed by the learned XXI Additional Sessions Judge, Allikulam, Chennai, dated 28.01.2026, in Crl.M.P.No.1 of 2026 in C.A.No.89 of 2026.



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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/complainant against the petitioner/accused before the 25<sup>th</sup> Metropolitan Magistrate, Egmore, Chennai, in C.C.No.1053 of 2021.

2.2. On 29.12.2025, the trial Court found the petitioner/accused guilty, convicted him and sentenced him to undergo eighteen months simple imprisonment and further directed him to pay the cheque amount of Rs.45,00,000/- as compensation, in default to undergo four months simple imprisonment.

2.3. Against the said judgment, the petitioner preferred an appeal in C.A.No.89 of 2026 along with a petition in Crl.M.P.No.1 of 2026 seeking suspension of sentence. On 28.01.2026, the learned XXI Additional Sessions Judge, Allikulam, Chennai, while suspending the sentence imposed on the petitioner, directed him to deposit 20% of the compensation amount before the trial Court within thirty days from the date of the said order. Aggrieved by the same, the present petition has been filed.

3. Learned counsel appearing for the petitioner submitted that the petitioner, due to his financial difficulties, is unable to mobilize such a



huge amount. He further submitted that the petitioner has a good and meritorious case in appeal. Therefore, he prayed that a condition directing the petitioner to deposit 20 % of the cheque amount may be set aside.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On perusal of the records, this Court finds 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 the petitioner has a good case on merits, this Court is inclined to modify condition 6(b) imposed by the appellate Court vide order dated 28.01.2026 in Crl.M.P.No.1 of 2026 in C.A.No.89 of 2026, directing the petitioner to deposit 20% of the compensation amount.

6. Accordingly, the direction to deposit 20% of the compensation amount is hereby modified as 10%. Therefore, the petitioner is directed to



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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. It is also made clear that all other conditions remain unaltered.

7. With the above modification, this Criminal Original Petition stands disposed of.

**24.02.2026**

Neutral Citation: Yes/No  
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To

1. The XXI Additional Sessions Judge,  
Allikulam, Chennai.
2. The 25<sup>th</sup> Metropolitan Magistrate,  
Egmore, Chennai.



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**A.D.JAGADISH CHANDIRA, J.**

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***24.02.2026***