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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 8627 of 2026

CNR:{HCMA010723512026}

and

CRL MP No. 6131 of 2026

1. Parvathi Pemmasani
W/o P.Munisekhar Naidu, No.1/3,
Kalahasti Road, Picharur Village,
Kothamangapuram, Chittor District.
Andhra Pradesh.

Petitioner(s)

Vs

1. S. Balaji
S/o Selvam, No.7, Rajiv Gandhi Nagar,
Ottery Perambur Barracks Road,
Chennai.

Respondent(s)

PRAYER

To Set aside the orders passed in Crl.MP.No.1 of 2026 in CA.No.280 of 2026 on the file of the I Additional City Civil and Sessions Court at Chennai dated 02-03-2026 and pass such other orders.

For Petitioner(s): Mr. P.Krishnan

For Respondent(s): Mr. N.Elayaraja

ORDER

This petition has been filed challenging the order dated 02.03.2026,

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passed by the learned I Additional (TADA) City Civil and Sessions Judge, Chennai, in Crl. M.P.No.1 of 2026 in C.A.No.280 of 2026, thereby directing the petitioner to deposit 20% of the compensation amount before the Trial Court within a period of sixty days.

2. Heard the learned counsel appearing for the petitioner and the counsel for the respondent.

3. On perusal of the records, it is revealed that the petitioner was convicted by the judgment dated 30.01.2026, for the offence punishable under Section 138 of the Negotiable Instrument Act, by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, in S.T.C.No.12880 of 2023 and was sentenced to undergo one year simple imprisonment and the petitioner was directed to pay a compensation of the cheque amount viz., Rs.50,50,000/- to the complainant, in default to undergo thirty days simple imprisonment. Aggrieved by the same, petitioners preferred an appeal in C.A.No.280 of 2026 along with the petition to suspend the sentence pending disposal of the appeal. The Appellate Court, while considering the petition for suspension of sentence, by an order dated 02.03.2026 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 sixty days. Aggrieved by the same, the petitioners filed

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the present petition.

4. The Hon'ble Supreme Court of India in the case of ***Jamboo Bhandari Vs. M.P.State Industrial Development Corporation Ltd. & ors*** reported in ***2023 (3) MWN Crl. 104 (SC)*** has held that the requirement to deposit of 20% of the compensation amount is not an absolute rule and it can be reduced or even exempted in exceptional cases by assigning reasons.

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 petitioners shall comply the condition imposed in the order dated 02.03.2026 passed by the learned Principal Sessions Judge, Chennai, in Crl. M.P.No.1 of 2026 in C.A.No.280 of 2026, on or before 23.11.2026, failing which the present order of this Court extending the time shall automatically stand cancelled and the Appellate court shall take appropriate action against the accused in accordance with law. It is also made clear that if the accused is interested to settled the amount, the Appellate Court is directed to refer the matter for Mediation in accordance with law.

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6. Accordingly, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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Note: Issue Order Copy on or before 06.11.2026.

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To

1. I Additional (TADA) City Civil and Sessions Judge, Chennai

2. The XXVI Metropolitan Magistrate, Egmore, Chennai.

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Order QR

G.K.ILANTHIRAIYAN J.

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