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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 10304 of 2026

and

Crl.MP.No.7359 of 2026

CNR: {HCMA010898002026}

R.Udhayakumar
S/o Rajamani,
D.No.4/9, H Cross,
Min Nagar,
Royakottai Road,
Hosur Taluk,
Krishnagiri.

..Petitioner(s)

Vs

A.Vinothkumar
S/o N.C.Annamalai,
No.21, Min Nagar,
Opp.EB Office,
Royakottai Road,
Hosur Taluk,
Krishnagiri.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the condition imposed by the learned Principal Sessions Judge, Krishnagiri District (The petitioner shall deposit 20 percent of the compensation amount i.e., 4,20,000/-(Rupees For Lakh and Twenty thousand only) before the Judicial Magistrate, Fast, Track Court, Hosur on or before 07.04.2026 in Crl.MP.No.808 of 2026 in Crl.A.No.14 of 2026 dated 07.03.2026.

For Petitioner(s): Mr.E.Kannadasan

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ORDER

This petition has been filed challenging the order dated 07.03.2026, passed by the learned Principal Sessions Judge, Krishnagiri, in Crl.M.P.No.808 of 2026 in Crl.A.No.14 of 2026, thereby directing the petitioner to deposit 20% of the compensation amount before the Trial Court within a period of one month.

2. Heard the learned counsel appearing for the petitioner. Though notice has been duly served and the name of the respondent is also printed in the cause list, none has appeared on behalf of the respondent, either in person or through counsel.

3. On perusal of the records, it is revealed that the petitioner was convicted by the judgment dated 02.02.2026, for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 by the learned Judicial Magistrate (Fast Track Court), Hosur, in S.T.C.No.40 of 2021 and was sentenced to undergo two years simple imprisonment and to pay double the cheque amount viz., Rs.21,00,000/- to the complainant, in default to undergo one month simple imprisonment.

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4. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.14 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 07.03.2026 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 one month. Aggrieved by the same, the petitioner filed the present petition.

5. 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.

6. 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. Though this Court is not inclined to set aside the order passed by the Appellate Court, this Court is inclined to extend the time to comply with the order passed by the Appellate Court. Accordingly, the petitioner shall comply with the condition imposed in the order dated **07.03.2026** passed by the learned Principal Sessions

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Judge, in Crl.MP.No.808 of 2026 in MP.No.1 of 2025 in Crl.A.No.14 of 2026, **on or before 16.11.2026,** 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.

7. In the result, this Criminal Original Petitions stand dismissed. Consequently, the connected miscellaneous petition is closed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Vv

1. The Principal Sessions Judge, Krishnagiri.

2. The Judicial Magistrate (Fast Track Court), Hosur

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G.K.ILANTHIRAIYAN, J.

Vv

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