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CRL OP No. 11397 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 11397 of 2026

AND

CRL MP NO. 8120 OF 2026

M. Edwin Christopher

..Petitioner(s)

Vs

A. Gopalakrishnan

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to the order dated 27.02.2026 made in CrI.M.P.No.1485 of 2026 in CrI.M.P.No.01 of 2025 in CrI.A.No.1534 of 2025 pending on the file of the learned XVII Additional District and Sessions Judge at Chennai, set aside the same by allowing the Criminal Original Petition by waiving the conditional deposit of 15 percent.

For Petitioner(s):

Mr.S. Ruban Prabu

ORDER

Challenging the order dated 27.02.2026 made in CrI.M.P.No.1485 of 2026 in CrI.M.P.No.01 of 2025 in CrI.A.No.1534 of 2025 pending on the file of the XVII Additional District and Sessions Court at Chennai, the present Criminal Original Petition has been filed.



2.The petitioner, who is the accused in S.T.C.No.1509 of 2019 on the file of the XXVII Metropolitan Magistrate Court, Saidapet, Chennai, filed for the offence under Section 138 of the Negotiable Instruments Act, was convicted by the trial Court by its judgment dated 28.11.2026 and sentenced to undergo one year simple imprisonment and to pay a sum of Rs.92,05,000/- as compensation within a period of two months.

3.Aggrieved over the same, the petitioner/accused filed an Appeal in Crl.A.No.1534 of 2025, along with a petition for suspension of sentence in Crl.M.P.No.01 of 2025, before the XVII Additional District and Sessions Court at Chennai. The Sessions Court, by order dated 02.01.2026, in Crl.M.P.No.01 of 2025 in Crl.A.No.1534 of 2025, admitted the Appeal and suspended the sentence on condition that the petitioner deposits 15% of the compensation amount to the credit of S.T.C.No.1509 of 2019 before the trial Court within 60 days and also directed the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties on or before 19.01.2026.

4.Thereafter, the petitioner filed a petition in Crl.M.P.No.1485 of 2026 in Crl.M.P.No.01 of 2025 in Crl.A.No.1534 of 2025 before the Sessions Court for waiver of the condition to deposit 15% of the compensation amount. The Sessions Court, by order dated 27.02.2026, dismissed the said petition.



Challenging the same, the present Criminal Original Petition has been filed.

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5.Learned counsel for the petitioner submits that the petitioner has executed the sureties. But his grievance is that the compensation amount is double the cheque amount and the condition to deposit 15% of the compensation amount is onerous. He further submits that the petitioner has got valid points to defend his case and he had also questioned the complainant with regard to the wherewithal and mode of payment and on other aspects, however, the trial Court had not considered the defence raised by the petitioner. He further submits that, in this case, the cheque amount is Rs.46,02,500/- and the petitioner is ready to deposit 20% of the cheque amount, but not 15% of the compensation amount which is double the cheque amount.

6.Considering the submissions made by the learned counsel for the petitioner, this Court is inclined to modify the condition imposed by the learned XVII Additional District and Sessions Court at Chennai, in Crl.M.P.No.01 of 2025 in Crl.A.No.1534 of 2015 by order dated 02.01.2026, and accordingly, the petitioner is directed to deposit 20% of the cheque amount, which works out to Rs.9,20,500/- (Rupees Nine Lakhs Twenty Thousand and Five Hundred only) to the credit of S.T.C.No.1509 of 2019 on the file of the XXVII Metropolitan Magistrate Court, Saidapet, Chennai, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made by the



petitioner within a period of four weeks as stipulated above, the trial Court is directed to receive the amount and appropriate the amount to the credit of S.T.C.No.1509 of 2019.

7. With the above modification, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

02-06-2026

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

MKN

To

1. The XVII Additional District and Sessions Judge,
Singaravelar Maligai,
Chennai.
2. The XXVII Metropolitan Magistrate,
Saidapet, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

MKN

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