



WEB COPY

CRL OP No. 12606 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 12606 of 2026

D.Ashokan

..Petitioner(s)

Vs

K.R.N. Ekambaram

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to modify the condition to deposit 15 percent of the compensation amount before the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai at the credit of S.T.C.No.971 of 2023 within 60 days from the date of the order and suspend the sentence imposed by the trial court on the accused till the disposal of the appeal in the order dated 19.01.2026 passed in CRL.MP.No.1/2026 in CrI.A.No.1393/2025 passed by Hon'ble I Additional City Civil Court, at Chennai.

For Petitioner(s): Mr.M.Deivanandam

For Respondent(s): No appearance

ORDER

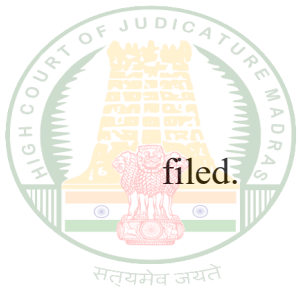
The petitioner, who is the accused in S.T.C.No.971 of 2023 on the file of the Metropolitan Magistrate Court/Fast Track Court-III, Saidapet, Chennai, filed for the offence under Section 138 of the Negotiable Instruments Act, was



convicted by the trial Court by judgment dated 13.09.2024 and sentenced to undergo simple imprisonment for six months and to pay a sum of Rs.49,60,000/- as compensation, in default, to undergo simple imprisonment for six months.

2. Aggrieved by the same, the petitioner filed an Appeal in Crl.A.No.1393 of 2025 before the I Additional City Civil Court, Chennai, along with a petition for suspension of sentence in Crl.M.P.No.1 of 2025. The Sessions Court, by order dated 19.01.2026, in Crl.M.P.No.1 of 2025 in Crl.A.No.1393 of 2025, admitted the Appeal and suspended the sentence on condition that the petitioner deposits 15% of the compensation amount before the trial Court to the credit of S.T.C.No.971 of 2023 within a period of 60 days.

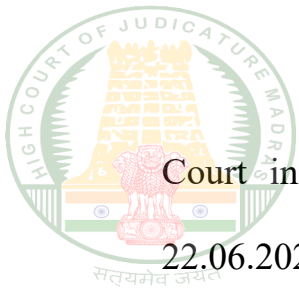
3. The petitioner, unable to mobilise the funds within the stipulated time, filed a petition for extension of time in Crl.M.P.No.2 of 2026 in Crl.M.P.No.1 of 2025 in Crl.A.No.1393 of 2025 and the Sessions Court, by order dated 23.03.2026, extended the time by 30 days. Even thereafter, the petitioner filed another petition for extension of time in Crl.M.P.No.3 of 2026 in Crl.M.P.No.2 of 2026 in Crl.M.P.No.1 of 2025 in Crl.A.No.1393 of 2025 and the Sessions Court, by order dated 28.04.2026, dismissed the said petition by holding that the petitioner has not shown any valid and sufficient reason for extension of further time. Challenging the same, the present Criminal Original Petition has been



WEB COPY

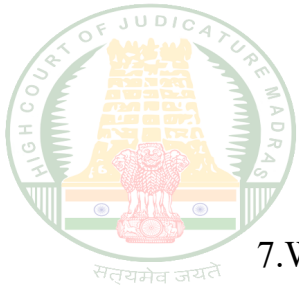
4.Learned counsel for the petitioner submitted that the petitioner is a senior citizen aged about 68 years and he had taken a loan for a small amount from the respondent/financier and the respondent, taking advantage of the petitioner's old age and his family circumstances, had obtained his signature in blank non-judicial stamp papers and blank cheques, which were later filled up by the respondent as if the petitioner had obtained a loan of Rs.30,00,000/-. Thereafter, with interest, the respondent demanded a sum of Rs.40,60,000/- from the petitioner. According to the petitioner, he has borrowed only a small amount, not the amount of Rs.30 Lakhs as claimed by the respondent. Further, the erstwhile counsel who appeared for the petitioner/accused before the trial Court failed to cross-examine P.W.1 and question him on this aspect. Therefore, the evidence of the complainant before the trial Court went unchallenged. The trial Court had convicted the petitioner on an untested evidence of complainant (P.W.1).

5.Learned counsel for the petitioner submitted that the petitioner is a senior citizen aged about 68 years with health ailments and seeks modification of the onerous condition to deposit 15% of the compensation amount. The learned counsel further submits that the petitioner undertakes to deposit 10% of the compensation amount which comes around Rs.5,00,000/- before the trial



Court in two installments, one installment of Rs.2,50,000/- on or before 22.06.2026 and the other before 06.07.2026. The petitioner has got no objection for the respondent to withdraw the said amount on condition that the respondent/complainant to file an affidavit that the withdrawal is subject to the outcome of the Appeal.

6.In view of the submissions made by the learned counsel for the petitioner, this Court is inclined to modify the condition imposed by the Sessions Court in Crl.M.P.No.1 of 2025 in Crl.A.No.1393 of 2025, by order dated 19.01.2026. Accordingly, the condition imposed by the learned I Additional Sessions Judge, City Civil Court, Chennai, by order dated 19.01.2026, in Crl.M.P.No.1 of 2025 in Crl.A.No.1393 of 2025, is modified to the effect that the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of S.T.C.No.971 of 2023 in two installments, viz., one installment of Rs.2,50,000/- to be deposited on or before 22.06.2026 and the other installment of Rs.2,50,000/- to be deposited on or before 06.07.2026. It is made clear that no extension of time will be granted further and if the petitioner fails to deposit the amount in the manner as stipulated above, this order will stand automatically cancelled. On such deposit being made by the petitioner, the respondent/complainant is permitted to withdraw the same on condition that he files an affidavit of undertaking that the withdrawal is subject to the outcome of the Criminal Appeal.



7. With these directions, this Criminal Original Petition is disposed of.

WEB COPY

03-06-2026

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

To

1. The I Additional District and Sessions Judge,
City Civil Court, at Chennai.
2. The Metropolitan Magistrate,
FTC-III, Saidapet, Chennai.



WEB COPY

CRL OP No. 12606 of 2



M.NIRMAL KUMAR J.

MKN

CRL OP No. 12606 of 2026

03-06-2026