



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 14612 of 2026
and Crl.M.P.No.9387 of 2026**

K.Jeganathan
S/o.D.Kumarasamy,
12/177, Thilagar Avenue,
1st Main Road, Balaiah Garden,
Madipakkam, Chennai - 600091.

..Petitioner(s)

Vs

P.Sampath
S/o.V.K.Parthasarathy,
Flat No.3A, Anugraham Flats,
New No.12, 21st Avenue,
Ashok Nagar, Chennai - 600083.

..Respondent(s)

Criminal Original Petition is filed under Section 582 of BNS, to modify the condition to deposit 20 percentage of amount awarded by the Trial Court in the order dated 15-04-2026 made in MP No.1 of 2026 in CA No.533 of 2026 on the file XXI Additional Sessions Court at Allikulam and pass such other orders as this Honble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Petitioner(s): M/s.S.Arivazhagan

For Respondent(s): Ms.M.Vinithra Srinivasan

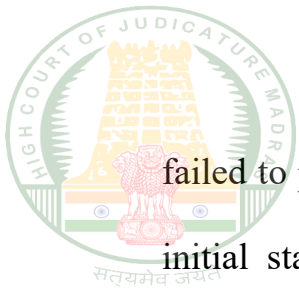


ORDER

This petition is filed to modify the condition to deposit 20% of the amount awarded by the trial Court in the order dated 15-04-2026 made in MP No.1 of 2026 in CA No.533 of 2026 on the file XXI Additional Sessions Court at Allikulam.

2. The petitioner / accused who was convicted by the trial Court in STC No.398 of 2024 filed for the offences punishable under Section 138 of NI Act by a judgment dated 05.03.2026 and sentenced the petitioner to two years and to pay a sum of Rs.5,58,52,740/- as compensation to the complainant has preferred an appeal before the Sessions Court in CA No.533 of 2026 and a petition to suspend the sentence in M.P.No.1 of 2026. The lower appellate Judge vide order dated 15.04.2026 suspended the sentence of the petitioner and directed the petitioner to deposit 20% of the compensation amount within a period of 60 days. The petitioner had executed a bond and the sentence imposed on him was suspended but the petitioner was unable to deposit 20% of the compensation amount. Hence the present petition.

3. The learned counsel for the respondent submitted that the petitioner has been successfully dragging on the proceedings for more than 10 years. The petitioner is in a construction business. There was a business transaction between the petitioner and the respondent and thereafter, the petitioner had

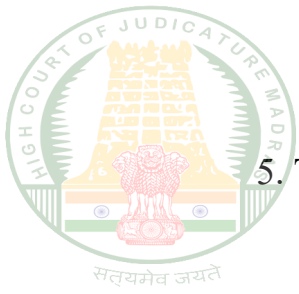


failed to pay the amount and arbitration proceedings were initiated. Even at the initial stage, the petitioner had objected for the arbitration proceedings and

approached this Court and finally, arbitration proceedings were concluded.

During the arbitration proceedings, a settlement was arrived and during that time the petitioner had accepted his liability and issued the cheque. In violation of undertaking given and defying the arbitration award, the cheque was not presented and got dishonoured and thereafter proceedings under Section 138 of NI Act has been initiated. Hence, this cheque has got a long cheque carrier for more than 10 years. The trial Court, considering all the contentions of the petitioner, had rightly convicted the petitioner and imposed the compensation amount. Hence, the learned counsel for the respondent strongly opposed for reduction of compensation amount and later relentlessly approves that 20% of the cheque amount can be accepted provided the appeal itself is completed within a period of 90 days.

4. The learned counsel for the petitioner, on instructions, submitted that the petitioner is ready to deposit 20% of the cheque amount which sums to Rs.55,85,274/- within a period of four weeks before the trial Court and he has got no objection for this amount to be withdrawn by the respondent / complainant on condition that he has to file an affidavit before the lower appellate Court stating that this withdrawal amount is subject to the outcome of the appeal.



5. The learned counsel for the respondent is also agreeable for the same.

6. The learned counsel for the petitioner submitted that the petitioner will not be a reason for any delay in the appeal.

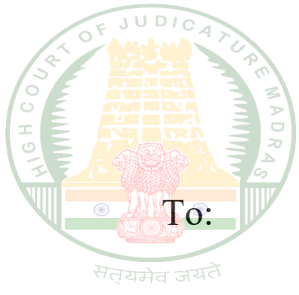
7. Considering the submissions and upon perusal of the materials, this Court grants four weeks of time for the petitioner to deposit 20% of the cheque amount i.e. Rs. 55,85,274/- before the trial court in S.T.C.No.398 of 2024 and the respondent is permitted to withdraw the same after filing any affidavit before the lower appellate Court. The lower appellate Court shall give preference to this appeal and to conclude the appeal proceedings without further delay. It is made clear that there will be no further extension of time and in the event of the petitioner not complying the condition, the order to suspend the sentence of the petitioner would automatically stands cancelled.

8. In view of the above this Criminal Original Petition is disposed.
Connected miscellaneous petition is closed.

23-06-2026

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

BKN



To:

1. XXI Additional Sessions Judge, Allikulam

2. XXVII Metropolitan Magistrate, Saidapet, Chennai.



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M.NIRMAL KUMAR, J.

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