

Crl.O.P.No.16411 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.06.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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L.Kuberan

.. Petitioner

Versus

State rep. by the
Inspector of Police,
Central Crime Branch (Team 17A),
Vepery, Chennai – 600 007.

.. Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023 to set aside the condition that the petitioner shall deposit a sum of Rs.7,00,000/- (Rupees seven lakhs only) before the Trial Court to the credit of C.C.No.5701 of 2023 within 8 weeks from the date of receipt of this order passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.1 of 2025 in C.A.No.931 of 2025 in C.C.No.5701 of 2023 (on the file of Metropolitan Magistrate for the Exclusive Trial of CCB cases relating to cheating cases in Chennai & CBCID Metro Cases, Egmore, Chennai).



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For Petitioner : Mr.M.Babu Muthu Meeran,
for Mr.T.R.Ravi

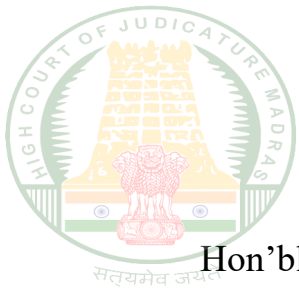
For Respondent : Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

This Criminal Original Petition is filed to set aside the condition imposed on the petitioner to deposit a sum of Rs.7,00,000/- before the Trial Court to the credit of C.C.No.5701 of 2023, by the order, dated 21.04.2026 made in Crl.M.P.No.1 of 2025 in C.A.No.931 of 2025 in C.C.No.5701 of 2023.

2. The learned Counsel for the petitioner would submit that while passing the order, suspending the sentence pending disposal of the appeal, any onerous condition should not be imposed. The learned Counsel would rely upon the judgment of the Hon'ble Supreme Court of India in *Dilip S. Dahanukar Vs. Kotak Mahindra Co. Ltd., and Anr.*¹, more specifically, relying upon paragraph No.12 of the said judgment. The learned Counsel would submit that the very order of the Trial Court in imposing the compensation, even while imposing the fine, is without jurisdiction and the learned Counsel would rely upon the judgment of the

¹ (2007) 6 SCC 528



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Hon'ble Supreme Court of India in ***Sivasuriyan Vs. Thangavelu***².

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3. I have also heard the learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondent, who would oppose the Criminal Original Petition.

4. Upon considering the first submission made, by citing the judgment of the Hon'ble Supreme Court of India in ***Dilip S. Dahanukar***'s case (cited *supra*), there can be no quarrel over the legal proposition that any condition that is imposed should not be onerous so as to infringe upon the very right of the accused person to file and prosecute the appeal. If onerous condition is imposed while granting suspension of sentence and if the petitioner undergoes the sentence on account of the inability to comply with the same, then, the very purpose of the appeal will be defeated. While considering the case from the said aspect, when the Trial Court, after due consideration of the case, has imposed the total compensation of Rs.7,00,00,000/-, the Appellate Court has ensured that no onerous condition is imposed and has imposed only 1% of the said amount being Rs.7,00,000/-. Therefore, on facts, I am not able to agree with the learned

² (2004) 13 SCC 795



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Counsel for the petitioner that this condition is onerous.

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5. As far as the judgment of the Hon'ble Supreme Court of India in ***Sivasuriyan***'s case (cited supra) is concerned, that is the case relating to Section 138 of the Negotiable Instruments Act, 1881, where the Trial Court is empowered to impose the cheque amount as fine. It is only in that context, the Hon'ble Supreme Court of India has held that when the cheque amount can be imposed as fine, no separate compensation, in exercise of power under Section 357(3) of the Criminal Procedure Code need be imposed in view of the specific provision contained under Section 142 of the Negotiable Instruments Act, 1881. Therefore, the same will not apply to the instant facts and circumstances of the case.

6. I have considered the plea relating to the hardship that is made in the Criminal Original Petition.

7. In view thereof, this Criminal Original Petition is partly allowed by modifying the manner in which the condition has to be complied with, as imposed by the Trial Court. The petitioner, as directed by the Trial Court, shall deposit the sum of Rs.7,00,000/- before the Trial



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Court to the credit of C.C.No.5701 of 2023. The petitioner shall deposit a sum of Rs.3,50,000/- on or before 31.08.2026 and the balance sum of Rs.3,50,000/- on or before 31.10.2026.

29.06.2026

Neutral Citation : no
grs

To

1. The Principal Sessions Judge,
Chennai.
2. The Metropolitan Magistrate for the Exclusive Trial of CCB cases
relating to cheating cases in Chennai & CBCID Metro Cases,
Egmore, Chennai
3. The Inspector of Police,
Central Crime Branch (Team 17A),
Vepery, Chennai – 600 007.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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