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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.19171 of 2026

CNR: {HCMA011590912026}

Mohanlal Bora,
Proprietor, Mohan Metals,
No.63, Savarimuthu Street,
Mannady, Chennai.

Case QR

..Petitioner(s)

Vs

M/s. Darshan Comtrade Pvt. Ltd.,
Rep. by its Director Samir Mehta,
No.3/5, Gangureddy Road,
Egmore, Chennai.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside order in Crl.M.P.No.1 of 2026 in Crl.A.No.530 of 2026 dated 15.04.2026 on the file of the XVIII Additional City Civil Court, Chennai.

For Petitioner(s): Mr. S. Krishnamoorthy

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ORDER

This petition has been filed challenging the order dated 15.04.2026, passed by the learned Additional Judge, XVIII Additional City Civil Court, Chennai, in Crl.M.P.No.1 of 2026 in Crl.A.No.530 of 2026, thereby directing the petitioner to deposit 20% of the compensation amount before the Trial Court within a period of sixty days.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. On perusal of the records, it is revealed that the petitioner was convicted by the judgment dated 17.03.2026, for the offence punishable under Section 138 of the Negotiable Instrument Act, by the learned XXVI Metropolitan Magistrate, Egmore, Chennai, in S.T.C.No.9418 of 2023 and was sentenced to undergo one year simple imprisonment and to pay a compensation of the cheque amount viz., of Rs.1,05,27,405/- to the complainant, in default to undergo 30 days simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.530 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

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15.04.2026 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 two months. Aggrieved by the same, the petitioner filed the present petition.

4. 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.

5. 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. However, this Court is inclined to extend the time to comply the order passed by the Appellate Court. Accordingly, the petitioner shall comply the condition imposed in the order dated 15.04.2026 passed by the learned Additional Judge, XVIII Additional City Civil Court, Chennai, in Crl.M.P.No.1 of 2026 in Crl.A.No.530 of 2026, on or before 23.11.2026, failing which the present order

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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.

6. Accordingly, the Criminal Original Petition stands disposed of.

03.11.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Note : Issue order copy on or before 06.11.2026

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To

1. The Additional Judge,
XVIII Additional City Civil Court,
Chennai.

2. The XXVI Metropolitan Magistrate,
Egmore, Chennai.

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G.K.ILANTHIRAIYAN. J,

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