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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-11-2026**

CORAM

**THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN**

**CRL OP No. 34717 of 2026**

CNR:{HCMA012780662026}

Case QR

Mohammed Sahil G.K.,
S/o Krishnamoorthy,
307, Kassim Plaza,
1st Floor,
Triplicane High Road,
Chennai.

..Petitioner(s)

Vs

Mymoonath Fardhana
W/o Hassan Riyash,
1, Second Street,
Thirumurthy Nagar,
Nungambakkam,
Chennai.

..Respondent(s)

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS, praying to set aside the condition order passed by the VII Additional Sessions Court, City Civil Court, Chennai in Crl.M.P.NO.7415 of 2026 in Crl.A.No.1093/2026 dated 12-8-2026 directing the petitioner to deposit 20 percent of the compensation amount before the trial court in the credit of STC No.523/2025 within sixty days from the date of the order.

For Petitioner(s): Mr.J.N.Naresh Kumar



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**Order**

This Criminal Original Petition has been filed challenging the condition order dated 12.08.2026 passed by the VII Additional Sessions Court, City Civil Court, Chennai in Crl.M.P.NO.7415 of 2026 in Crl.A.No.1093 of 2026, directing the petitioner to deposit 20% of the compensation amount before the trial court in the credit of STC No.523 of 2025 within sixty days from the date of the order.

2.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3.On perusal of the records, it is revealed that the petitioner was convicted by the judgment dated 04.07.2026, for the offence punishable under Section 138 of the Negotiable Instrument Act, by the learned XXXV Metropolitan Magistrate, Fast Track Court – II, Egmore at Allikulam, Chennai, in S.T.c.No.523 of 2025 and was sentenced to undergo one year simple imprisonment and to pay a compensation of the cheque amount viz., Rs.5,00,000/- to the complainant, in default to undergo one month simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.1093 of 2026 along with the petition to suspend the sentence pending disposal of the appeal. The Appellate Court, while considering the petition for



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suspension of sentence, by an order dated 12.08.2026 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 sixty days. 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.In the present case, considering the submissions made by the learned counsel appearing for the petitioner, this Court finds sufficient grounds to reduce the percentage of the deposit.

6.Accordingly, this Court modifies the condition of deposit from 20% to 10% of the compensation amount. The petitioner is directed to deposit 10% of the compensation amount to the credit of S.T.C.No.523 of 2025, on the file of the trial Court on or before 10.12.2026. The petitioner shall strictly comply with the aforesaid condition, failing which the present order shall automatically stand cancelled, and the Appellate Court shall take appropriate action against the accused in accordance with law.



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7.With the above modification, this Criminal Original Petition stands disposed of.

**25-11-2026**

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

**NOTE: ISSUE ORDER COPY ON 26.11.2026**

To

1.The XXXV Metropolitan Magistrate,
Fast Track Court-II,
Egmore at Allikulam,
Chennai.

2.The VII Additional Sessions Judge,
City Civil Court,
Chennai.



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**G.K.ILANTHIRAIYAN J.**

**AH**

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