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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.5550 of 2026

S.Nambi

...Petitioner/Petitioner/Appellant

Vs

M.Durai

...Respondent/ Respondent/ Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to set aside the condition directing the petitioner to deposit 20% of the compensation amount in the order passed by the learned Principal Sessions Judge, Tirunelveli, Tirunelveli District, dated 20.01.2026 made in Cr.MP.No. 117 of 2026 in C.A.No.4 of 2026 dated 20.01.2026 forthwith.

For Petitioner : M/s.T.Jeen Joseph

ORDER

The present petition has been filed by the appellant in Cr.A.No.4 of 2026, challenging the order passed by the learned Principal Sessions Judge, Tirunelveli, in Cr.M.P.No.117 of 2026 dated 20.01.2026.



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2. The petitioner herein has suffered an order of conviction at the hands of the learned Judicial Magistrate in S.T.C.No.393 of 2023, dated 05.12.2025, which arises out of proceedings under Section 138 of the Negotiable Instruments Act.

3. The cheque amount is Rs.3,00,000/-. When the petitioner filed an appeal in C.A.No.4 of 2026, the learned Appellate Judge at the time of granting suspension of sentence, has imposed condition to deposit sum of Rs.60,000/- which is 20% of the cheque amount. Challenging the said condition, the present petition has been filed.

4. According to the learned Counsel appearing for the petitioner, without considering the financial capability of the petitioner/appellant, the present order has been passed and he would pay a sum of Rs.30,000/- which is 10% of the cheque amount.

5. A perusal of the records reveal that the petitioner is working as an Assistant in the Animal Husbandry Department and in such circumstances, this Court is of the considered opinion that the direction issued by the appellate



Court to deposit Rs.60,000/- as a condition precedent for suspension of sentence is not an onerous condition.

6. In view of the above said facts, there are no merits in the petition.

Accordingly, this Criminal Original Petition stands dismissed.

18.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The learned Principal Sessions Judge,
Tirunelveli,
Tirunelveli District.



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R.VIJAYAKUMAR, J.

RJR

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