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CRL OP No. 26031 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-09-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 26031 of 2026

{HCMA012124962026}

M.Nagaraj
Proprietor,
M/s. Nagar Tex,
J.J.S.Complex,
Opp. Canara Bank,
Elampillai.



Case QR

..Petitioner

Vs

V.E.Muruganantham
S/o A.Elango,
Vettuvapalayam,
Sivagiri,
Erode District.

..Respondent

Prayer : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order in Crl.M.P.No.2 of 2026 in Crl.A.No.264 of 2025 on the file of the II Additional Sessions Judge, Erode, dated 15.06.2026.

For Petitioner:

Mr.B.Kumarasamy

ORDER

This Criminal Original Petition has been filed challenging the order dated 15.06.2026 passed by the learned II Additional Sessions Judge, Erode, in Crl.M.P.No.2 of 2026 in Crl.A.No.264 of 2025 , thereby directing the petitioner to deposit 20% of the compensation amount before the Trial Court within a period of two months.



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

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3. On perusal of the records, it is revealed that the petitioner was convicted by the judgment dated 10.09.2025, for the offence punishable under Section 138 of the Negotiable Instrument Act, by the learned Judicial Magistrate, Kodumudi, in S.T.C.No.361 of 2022 and was sentenced to undergo six months simple imprisonment and to pay a compensation of the cheque amount to the complainant, in default to undergo one month simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.264 of 2025 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 22.10.2025 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.



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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 15.06.2026 passed by the learned II Additional Sessions Judge, Erode, in Crl.M.P.No.2 of 2026 in Crl.A.No.264 of 2025, on or before 18.09.2026, failing which the present order 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, this Criminal Original Petition stands disposed of.

15-09-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

LPP

Note : Issue order copy today



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To

1.The II Additional Sessions Judge,
Erode.

2. The Judicial Magistrate,
Kodumudi.

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G.K.ILANTHIRAIYAN J.

LPP

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