

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____/2026
[@ SPECIAL LEAVE PETITION (CRIMINAL) NO. 3711-3715/2026]**

M/S SHIVANGINI PROPERTIES PVT LTD

APPELLANT(S)

VERSUS

M.J. SHANTARAM

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. These appeals arise from an order of the Karnataka High Court dated 26.11.2025 whereby the condition regarding deposit of 20% of the cheque amount imposed by the Appellate Court for grant of interim protection, pending consideration of appeal against the order of conviction under Section 138 of the Negotiable Instruments Act, 1881 (N.I. Act), has been modified and reduced to 10%.
4. The short submission of the learned counsel for the appellant, who happens to be the complainant, is that in the event of an appeal by the drawer against conviction under Section 138 of the N.I. Act, as per Section 148 of

the N.I. Act, the Appellate Court would have to order deposit of such sum which shall not be less than 20% of the fine or compensation awarded by the Trial Court. Besides, the order of the Appellate Court requiring such deposit was passed on the statement made by the learned counsel for the appellant (the convicted accused). In such circumstances, it is submitted, there was no reason for the High Court to interfere with the direction to deposit 20% of the cheque amount.

5. The learned counsel for the respondent submitted that the High Court has discretion to modify the condition in exercise of its inherent powers vested under the Code of Criminal Procedure and, therefore, it is not a fit case where this Court should exercise its discretionary jurisdiction under Article 136 of the Constitution of India.

6. We have accorded due consideration to the rival submissions. In our view, the order passed by the Appellate Court was not only based on concession of the learned counsel for the convicted appellant but also in tune with the requirement of the provisions of Section 148 of the N.I. Act which requires deposit of 20% of the fine/compensation. In fact, the direction to deposit only

20% of the cheque amount is less harsh than what the statutory requirement is. In such circumstances, in our view, the High Court fell in error in interfering with such an order. Accordingly, these appeals are allowed. The impugned order dated 26.11.2025 passed by the High Court reducing the amount required to be deposited to 10 % of the cheque amount is set aside. The order passed by the Appellate Court shall stand restored. However, the respondent shall have time to make such deposit by 31.05.2026.

7. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[MANMOHAN]

New Delhi
May 14, 2026

ITEM NO.4

COURT NO.14

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).
3711-3715/2026

[Arising out of impugned final judgment and order dated 26-11-2025 in CRLP No. 13922/2025 26-11-2025 in CRLP No. 13923/2025 26-11-2025 in CRLP No. 13924/2025 26-11-2025 in CRLP No. 13926/2025 26-11-2025 in CRLP No. 13927/2025 passed by the High Court of Karnataka at Bengaluru]

M/S SHIVANGINI PROPERTIES PVT LTD

Petitioner(s)

VERSUS

M.J. SHANTARAM

Respondent(s)

IA No. 70174/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 14-05-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. Ananga Bhattacharyya, Adv.
Ms. Devahuti Tamuli, Adv.
Mr. Krishanu Barua, Adv.
Mr. Rohit Rao N, Adv.
M/S. Veritas Legis, AOR

For Respondent(s) :Mr. Gautam S. Bharadwaj, Adv.
Mr. Amruthesh C., Adv.
Mr. Ishan Roy Choudhry, Adv.
Ms. Surbhi Mehta, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals are allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)