

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge
Friday, the 23rd day of December, 2022**

Crl.M.P.No.25771/2022

in

C.A.No.379/2022

in

S.T.C.No.360/2022

(on the file of Special Metropolitan Magistrate/XVI Small Causes
Court Magistrate, Chennai)

Mr. Jayaseelan

.... Petitioner/Appellant/Accused

- Vs.

Mr. S.Baskaran

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. D.Chandrasekar, S.Muniasamy, B.Rakeshkumar, Counsel for the petitioner and upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. The petitioner seeks suspension of sentence pending disposal of the appeal.

2. The Petitioner/Appellant herein is the accused in S.T.C.No.360/2022 on the file of the learned Special Metropolitan Magistrate/ XVI Small Causes Court, Chennai. On 30.11.2022, judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act and petitioner/Accused was sentenced to undergo Ten months simple imprisonment and also to pay Rs.10,00,000/- (Value of cheque) with interest 9% pa from the date of cheque as compensation to the complainant within 30 days from the date of judgment in default to undergo two months S.I.

3. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

4. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The trial court suspended the sentence till 30.12.2022.

5. As per Sec.148 of N.I. Act (Amendment Act), 2018, the Appellate Court may order the Appellant to deposit such sum which shall be a minimum of Twenty percent of the

fine or Compensation awarded by the Trial Court. In the above provision, it is clearly stated that the amount shall be deposited within 60 days from the date of the Order. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for a period of Ten months and in these circumstances, it may not be right to hold that the petitioner has to serve the sentence during the pendency of the appeal.

6. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the total compensation amount.

7. Accordingly, the sentence of imprisonment imposed on the petitioner by the lower Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Special Metropolitan Magistrate/ XVI Small Causes Court, Chennai. Further the petitioner shall deposit 20% of the compensation amount to the credit of S.T.C. number on the file of the Trial Court within sixty days from the date of this Order.

8. The appeal has been made over to IV Additional City Civil Court, Chennai.

9. The appeal is posted to 20.1.2023.

Delivered by me today in open court.

S ALLI

Digitally signed by S
ALLI
Date: 2022.12.23
18:37:51 +0530

Principal Sessions Judge

Copy to
The Special Metropolitan Magistrate/XVI Small Causes Court, Chennai.

C.Rl.