

IN THE II ADDITIONAL CITY CIVIL COURT AT CHENNAI

Present: Tmt.K. Geetha Rani, M.A., M.L.,

III Additional Judge

(FAC) II Additional City Civil Court, Chennai

Monday the 5th day of January 2026

Crl.M.P.No.1/2026

in

C.A.No.16 of 2026

against

C.C.No.863 of 2018

(Amended as per order in memo dated 09.02.2026)

(on the file of the Learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai)

Shanmugaraj Murali Sundaram

....Petitioner/Appellant/Accused

Vs.

M/s.Reddington (India) Ltd.,

Rep by Mr.M.Sundararajanq

.....Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s.V.Illanchezian, S.Sairaman, V.Lakshminarayanan and V.I Prashanth Counsel for the petitioner and upon hearing petitioner's side, 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 **C.C.No.863 of 2018 (Amended as per order in memo dated 09.02.2026)** on the file of the Learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai. On 6.12.2025 judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act and the petitioner was convicted and was sentenced to undergo one year Simple Imprisonment and further directed to pay Rs.1,97,64,566/- (total cheques amount) along with 6% per annum for the said cheque amount as compensation to the complainant under section 357 of Cr.P.C. r/w S.138 of the N.I. Act in default six months SI as default sentence.

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 appeal has been filed without any delay.

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 2 months from the date of the Order. As already stated supra, the petitioner / appellant / accused was ordered to undergo simple imprisonment for a period of one year 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 Rs.988228/- i.e., the 15% of 1/3rd cheque amount of the compensation amount. (total cheque amount 19764560, 1/3rd amount 6588187.15% of 1/3rd cheque amount is Rs.988228/-)

7. Accordingly, the sentence of imprisonment imposed on the petitioner by the trial 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 Metropolitan Magistrate, FTC-V, Saidapet, Chennai on or before 23.01.2026. Further the petitioner shall deposit Rs.988228/- i.e., the 15% of 1/3rd cheque amount of the compensation amount to the credit of **C.C. (Amended as per order in memo dated 09.02.2026)** number on the file of the Trial Court within sixty days from the date of this Order.

Delivered by me today.

Sd/- K.GEETHA RANI

III Additional Judge
(FAC) II Additional City Civil Court,
Chennai

Copy to:

The Learned Metropolitan Magistrate,
FTC-V, Saidapet, Chennai.