

IN THE COURT OF SESSIONS JUDGE, CHENNAI

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

III Additional Sessions Judge.

Monday, the 23rd day of February, 2026.

CrI.M.P.No. 2273/2026

in

C.A.No.251/2026

Against

S.T.C.No.2093 of 2022

(On the file of the XXV Metropolitan Magistrate Court, Egmore, Chennai)

N.Srinivasan

.....Appellant/Accused

Vs.

M.Mathiyalagan

.... Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. R.Prabakar, P.Marudhupandiyan, U.Azarudhin and S.Selvi Counsels for the Appellant/Accused, upon hearing the counsel for the petitioner, this Court delivered the following:

ORDER

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

2. The Petitioners/Appellants herein is the accused in S.T.C.No.2093 of 2022 on the file of the learned XXV Metropolitan Magistrate Court, Egmore, Chennai. On 22.01.2026, judgment was pronounced in the above case and the petitioners/accused was found guilty u/s.138 of N.I.Act and he is proprietor M/s. Vivekananda Coffee hence he is convicted u/s.255(2) of Cr.P.C and sentenced to undergo 1 ½ years simple imprisonment and the accused is directed to pay the cheque amount of Rs.30,00,000/- as compensation to the complainant u/s.357(3) of Cr.P.C within two months from the date of judgment for the loss suffered by the complainant due to his act, in default to undergo 4 months simple imprisonment.

3. Learned counsel for the petitioners would submit that the petitioners has fair chance of success in the appeal. The petitioners is ready to deposit 10% of the cheque amount Rs.30,00,000/-. 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. There are arguable points in the appeal. The trial court has suspended the sentence till disposal of the appeal.

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 Ten 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 judgment. As already stated supra, the petitioner/appellant/accused was ordered to undergo three months S.I. 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 10% of the cheque amount Rs.30,00,000/-.

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 petitioners are 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 XXV Metropolitan Magistrate Court, Egmore, Chennai on or before 09.03.2026. Further the petitioner shall deposit 10% of the cheque amount Rs.30,00,000/- to the credit of S.T.C.No.2093 of 2022 on the file of the Trial Court within sixty days from the date of this Order.

Delivered by me today in open court.

III Additional Sessions Judge

Copy to

The learned XXV Metropolitan Magistrate Court, Egmore, Chennai.