

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

Present : Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFSc.,

Principal Sessions Judge.

Thursday, the 13th day of March, 2025.

CrI.M.P.No.1/2025

in

C.A.No.361/2025

in

S.T.C.No.1717/2022

(on the file of the Learned Metropolitan Magistrate, FTC-IV, George Town, Chennai)

Nithyanandham

.... Petitioner/Appellant/Accused

Vs.

Srinivasan

.... Respondent/Respondent/Complainant.

This petition is coming on this day before this court for hearing in the presence of M/s.M.Mohana Sundaram, Vijay Ganesh and K.Ram Prasad, the counsel for the petitioner, 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.1717/2022 on the file of the Learned Metropolitan Magistrate, FTC-IV, George Town, Chennai. On 13.02.2025, judgment was pronounced in the above case and the petitioner / accused was found guilty u/s.138 of N.I. Act and sentenced to undergo two months simple imprisonment and imposed a compensation of Rs.2,00,000/- (total cheques amount) along with 3% interest per annum for the said cheque amount from the date of dishonour of case cheque to till the date of judgment within one month, in default, to undergo two weeks simple imprisonment.

3. Learned counsel for the petitioner submitted that the appellant is running a cloth shop and engaged the complainant to do the interior work to the shop and at that time, he has issued two blank cheques. The entire amount has been paid, however, the complainant misused the cheques. In fact, few days prior to the presentation of the cheque, the amount has been paid. The bank statement has been marked on the side

of the accused. However, without considering the same, the trial court convicted the accused. Hence, he prays for suspension of sentence.

4. From the submissions of the appellant / accused, this court found that the appellant / accused has made out an arguable case before this court. The trial court suspended the sentence till 13.3.2025. Hence, this court is inclined to suspend the sentence.

5. 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 Metropolitan Magistrate, FTC-IV, George Town, Chennai on or before 20.03.2025.

Dictated to Steno-typist, typed by him directly, corrected and pronounced by me in open court this the 13th day of March, 2025.

Principal Sessions Judge

Copy to

The Learned Metropolitan Magistrate, FTC-IV, George Town, Chennai.