

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

Present : Tmt. S.Ramya, B.A., B.L., (Hons)

XXII Additional District Judge

Wednesday, the 6th day of May 2026.

Crl.M.P.No.1/2026

in

C.A.No.647/2026

in

STC.No.3418/2023

(on the file of Learned XXXVIII Metropolitan Magistrate (Fast Track Court- V),
Saidapet, Chennai - 600 015.

Mr.R. Dhanakodi,
S/o. Ramalingam,
No. 103A/4, Yamunai Street,
Shaike Abdulla Nagar,
Alwarthirunagar,
Chennai- 600 087.

.... Petitioner/Appellant/Accused

Vs.

Mrs. Mahalakshmi,
W/o. Rajchander,
No.12, AIS Housing Complex,
MIG 9th Floor, West Natesan Nagar,
Virugambakkam,
Chennai- 600 092.

.... Respondent/Respondent/Complainant

This petition is coming on this day before this court for hearing in the presence of M/s. C. Sundarraaj, C. Saravanan, G. Thiruvankadam and P. Dhilip, Counsels 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 STC.No.3418/2023 on the file of Learned XXXVIII Metropolitan Magistrate (Fast Track Court- V), Saidapet, Chennai - 600 015. On 07.04.2026, judgment was pronounced in the above case and the petitioner / accused was found guilty for the offence u/s.138 of N.I. Act and sentenced to undergo three months simple imprisonment and directed to pay a sum of Rs.4,00,000/- along with 3% per annum from the said cheque amount from the date

of dishonor of case cheque to till date of Judgment as compensation to the complainant, in default, to undergo one month simple imprisonment.

3. The learned counsel for the petitioner submitted that if the sentence of imprisonment is not suspended pending appeal, the appeal would be rendered in fruituous and petitioner would suffer irreparable hardship and grave prejudice. The balance of convenience lies in favour of the petitioner, and no prejudice would be caused to the respondent/complainant if the sentence is suspended pending disposal of the appeal.

4. For the above reasons the counsel for petitioner has submitted that there is good point and good evidence to succeed the appeal and requested to suspend the sentence imposed on the petitioner.

5. As per section 148 of NIA act the appellate court may order to deposit minimum 20% of the compensation awarded by the trial court. This court perused the evidence of the complainant and considered the same. Since the learned counsel for the petitioner/appellant has made out arguable points in the main appeal pending before this court. If sentence is not suspended it will cause serious prejudice and irreparable loss to the appellant in case he succeeds in the appeal. Hence, considering the above reasons this court is inclined to suspend the sentence for the following conditions.

- (i) That the sentence of imprisonment imposed on the petitioner by the trial court is alone suspended till the disposal of the appeal.
- (ii) The petitioner shall deposit 10% of the compensation amount before the trial court within sixty days from the date of this order and file compliance report in the main appeal.

(iii) That the petitioner/appellant is ordered to be enlarged on bail on executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned XXXVIII Metropolitan Magistrate (Fast Track Court- V), Saidapet, Chennai - 600 015 on or before 06.06.2026.

Dictated to Steno-typist, typed by him directly, corrected and pronounced by me in open court this the 6th day of May, 2026.

Vacation Judge / XXII Additional District Judge

Copy to

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