



IN THE II ADDITIONAL DISTRICT AND SESSIONS COURT, CHENNAI

Present: Thiru.P.Srikumar, B.Sc., M.L.,M.B.L.,

VII Additional Judge

(FAC) II Additional City Civil Court, Chennai

Tuesday, the 9th day of June, 2026

M.P. No. 1/2026

in

C.A.No.738/2026

in

S.T.C.No.8276/2024

(on the file of the XXV Metropolitan Magistrate, Egmore, Chennai)

Manojkumar Muthaiah

S/o. Muthaiah

... Petitioner/Appellant/ Accused

-Vs -

M/s.Avanse Financial Services Limited

Rep by its Authorized Signatory

Mr.Nawin P

... Respondent/Respondent/ Complainant

This petition coming on today for hearing before this Court in the presence of M/s.R.Venkatraman, A.Arasu Sanga Tamil and J.Yamini Jai Divya, Learned counsel for the Petitioner/ Appellant and upon hearing them, this Court delivered the following:

ORDER

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



2. The Petitioner/Appellant herein filed the Criminal Appeal in CrI.A.No.738 of 2026 as against the judgment in S.T.C.No.8276/2024 dated 18.05.2026 by the learned XXV Metropolitan Magistrate, Egmore, Chennai.

3. The Appellant/Accused was found guilty for the alleged offence u/s 138 of NI Act and the trial court has sentenced the accused to undergo simple imprisonment for a period of 2 years and directed him to pay the cheque amount of Rs.49,87,270/- as compensation to the complainant within 2 months from the date of this judgment, in default, to undergo simple imprisonment for six months.

4. The learned counsel for the petitioner/appellant argued that the appellant is not guilty of offence under section 138 of NI Act. The Appellant has submitted that he is the sole bread winner of the family and his mother is severely ill and due to his unexpected financial crises he could not pay the loan amount. The appellant have a fair chance of succeeding the appeal and the grounds are also raised.

5. Taking into consideration the memorandum of appeal and the submission made by the petitioner's counsel, as there are arguable points in the case, this court is inclined to suspend the sentence of imprisonment imposed by the trial court, on the following conditions.

(1) That the Appellant/Accused shall execute a bond for Rs.10,000/- with two sureties each for the same like sum to the satisfaction of the Learned XXV Metropolitan Magistrate, Egmore, Chennai.



(2) That the Appellant/Accused shall deposit 20% of the cheque amount into the credit of S.T.C.No.8276/2024 before the trial court within a period of 60 days from the date of this order.

In the result this petition is allowed and the sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended on the above mentioned conditions till the disposal of the appeal.

Directly dictated by me to the Steno-Typist, computerized by him, corrected and pronounced by me in the open Court on this the 9th day of June, 2026.

VII Additional Sessions Judge,
(FAC) II Additional City Civil Court,
City Civil Court, Chennai.

Copy to:

The learned XXV Metropolitan Magistrate,
Egmore, Chennai