

IN THE COURT OF VACATION SESSIONS JUDGE, CHENNAI

Present : Thiru.R.Rajkumar,M.A., M.L.,

XIX Additional Judge/ Vacation Sessions Judge.

Thursday, the 8th day of May, 2025.

Crl.M.P.No.1 /2025

in

C.A.No.621/2025

in

S.T.C.No.1315/2021

(on the file of the Metropolitan Magistrate, FTC- IV, George Town,Chennai -01)

S. Rajesh,
S/o. Mr. Sambasivam,
New No. 49, Old No. 66,
Seniamman Koil Street,
Tondiarpet,Chennai – 600 081.

.... Petitioner/Appellant/Accused

Vs.

Mr. K. S. Manoj Kumar,
S/o. Mr. Shantaram,
Residing at Tower 3, Flat No. 306,
Emaar Esplanade Apartment,
No. 75, Vaidiyanathan Street,
Tondiarpet,Chennai – 600 081.

.... Respondent/Respondent/Complainant.

This petition is coming on this day before this court for hearing in the presence of M/s.M.P. Saravanan, S. Valenteena Jhafflet, S. Elangovan, A. Indira and Y. Amos Athisayaraj 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.1315/2021 on the file of the Metropolitan Magistrate, FTC- IV, George Town, Chennai. On 01.04.2025 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 six month simple imprisonment and also to pay a sum of Rs.15,00,000/- (Cheque amount) along with 3 % per annum for the said cheque amount from the date of dishonor of case cheque to till date to the accused for the offence u/s 138 of N.I Act and directed the accused to pay the said compensation amount to the complainant

within one month from this date and in default of payment of said compensation then the accused shall undergo two months simple imprisonment.

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. There are arguable points in the appeal. The trial court has suspended the sentence till 30.04.2025.

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 60 days from the date of the order. As already stated supra, the petitioner/appellant/accused was ordered to undergo Six months S.I. and pending appeal if the Appellant is ordered to serve the sentence, it will cause serious prejudice and irreparable injury to the appellant if the appeal is allowed.

6. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the compensation amount.

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 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 15.05.2025. Further, the petitioner shall deposit 20% of the compensation amount before the Trial Court at the credit of S.T.C. sixty days from the date of this Order.

Dictated to Steno-typist, typed by her directly, corrected and pronounced by me in open court this the 8th day of May, 2025.

XIX Additional Judge/ Vacation Sessions Judge.

Copy to
The Metropolitan Magistrate, FTC-IV, George Town, Chennai-01.

AS