

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

Present : Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFSc., P.G.DD.F.,

Principal Sessions Judge.

Monday, the 18th day of August, 2025.

Crl.M.P.No.1/2025

in

C.A.No.991/2025

against

C.C.No.2137/2016

(on the file of the XXVII Metropolitan Magistrate, Saidapet, Chennai)

M.Saraswathi

.... Petitioner/Appellant/Accused

Vs.

N.Ramakrishnan

.... Respondent/Respondent/Complainant

This petition is coming on this day before this court for hearing in the presence of M/s.R.Geetha, K.Ramachandran & R.Lohith, 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 C.C.No.2137/2016 on the file of the XXVII Metropolitan Magistrate, Saidapet, Chennai. On 17.07.2025, 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 one year simple imprisonment and to pay a sum of Rs.11,00,000/- as compensation to the complainant within two months, in default, to undergo 3 months simple imprisonment.

3. The learned counsel for the petitioner/appellant submitted that the petitioner has borrowed only a sum of Rs.1,50,000/-. The respondent is running money lending business, however he claimed that he is running only a construction business. In the cross examination, he has admitted that he has filed several Sec.138 cheque bounce cases and the same are pending. The respondent has charged exorbitant rent for which a case was already registered against him. The money which was borrowed was already repaid, however for extracting more money as speed interest and metre interest, the respondent has misused the cheque which was given as security. The trial

court has already suspended the sentence till 18.08.2025. The learned counsel for the petitioner/appellant has also make out certain arguable points before this court. Section 138 of N.I. Act is a bailable offence. Considering the above circumstances, this court is inclined to suspend the sentence on condition that the petitioner shall deposit 10% of the cheque amount before the trial court.

4. 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 her executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the XXVII Metropolitan Magistrate, Saidapet, Chennai on or before 25.08.2025. Further, the petitioner shall deposit 10% of the cheque amount before the Trial Court at the credit of C.C. within 4 weeks from the date of this Order.

Dictated to Steno-typist, typed by her directly, corrected and pronounced by me in open court this the 18th day of August, 2025.

Principal Sessions Judge

Copy to
The XXVII Metropolitan Magistrate, Saidapet, Chennai

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