

**IN THE I ADDITIONAL (TADA) CITY CIVIL and
SESSIONS COURT AT CHENNAI**

Present: Thiru. R. Shanmuga Sundaram, B.Com., L.L.B.,

I Additional Judge.

This Thursday, the 13th day of November 2025

Crl.M.P.No.1/2025

in

Crl.A.No.1371/2025

against

C.C.No.3925/2019

**(On the file of the learned Metropolitan Magistrate, Fast Track Court V
at Saidapet, Chennai)**

TNCH01-025856-2025

MR. D. Baburaj,
S/o. S. Duraisamy.

... Petitioner/ Appellant

Vs.

Mr. R. Balaji,
S/o. Mr. Ravanan.

... Respondent/ Respondent

This Criminal Miscellaneous Petition is coming on this day before me for hearing in the presence of M/s. N.Sivakumar, J. Suresh and M. Ganesh counsel for the petitioner and upon hearing the arguments from the counsel for petitioner side and this Court passed 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.3925 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track Court V, at Saidapet, Chennai. On 06.10.2025, judgment was pronounced in the above case and the petitioner was convicted u/s 138 of NI Act, sentenced to undergo simple imprisonment of Six months, and to pay a sum of Rs.8,10,000/- (Rupees Eight Lakhs Ten Thousand only) as compensation along with 3% interest per annum to the complainant within one month from the date of the judgment in default, to undergo Two months simple imprisonment under Section 357 Cr.P.C.
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 06.11.2025.

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 was ordered to undergo Six months simple imprisonment 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. Further, upon perusal of the records and on consideration of the submission made by the counsel for the petitioner, this court finds that there is no sufficient grounds raised by the petitioner to waive the deposit of 20% of the compensation.

6. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 15% 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, V Fast Track Court, at Saidapet, Chennai on within 15 days. Further, the petitioner shall deposit 15% of the compensation amount before the learned Metropolitan Magistrate, V Fast Track Court, at Saidapet, Chennai at the credit of C.C.No.3925 of 2019 within sixty days from the date of this Order.

Dictated by me to the Steno-typist, directly computerized by her, corrected and pronounced by me in open court this the 13th day of November, 2025.

I Additional Sessions Judge.

I Additional City Civil &
Sessions Court, Chennai
Draft/Fair Order
in
Crl.M.P.No.1/2025
in
Crl.A.No.1371/2025
against
S.T.C.No.3925/2019
Date: 13.11.2025