

**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 Monday, the 24th day of November, 2025.

Crl.M.P.No.1/2025

in

C.A.No.1398/2025

against

C.C.No.323/2020

(on the file of the Metropolitan Magistrate, FTC No.IV (Magisterial Level), at
George Town, Chennai)

Mr. R. Vijayakumar,

....Petitioner/Appellant/Accused

Vs.

Mr. M. Palaniappan,

S/o. R. Muthiah.

.... Respondent/Respondent/Complainant

This petition is coming on this day before this court for hearing in the presence of M/s.S. Sathishkumar and P. Kamaraj, counsel for the petitioner, upon hearing the arguments from the petitioner side, 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.323/2020 on the file of the learned Metropolitan Magistrate, FTC No.IV (Magisterial Level), at George Town, Chennai. On 03.11.2025, judgment was pronounced in the above case and the petitioner was convicted u/s 138 of NI Act, sentenced to undergo simple imprisonment of three months under Section 255(2) of Cr.P.C, and to pay a sum of Rs. 4,00,000/- (Rupees Four Lakhs only) as compensation to the complainant in default, to undergo one month simple imprisonment under Section 357 (3) of 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 02.12.2025.

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 Three 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.

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 (Magisterial Level), at George Town, Chennai on within 15 days. Further, the petitioner shall deposit 20% of the compensation amount before the learned Metropolitan Magistrate, FTC-IV (Magisterial Level), at George Town, Chennai at the credit of C.C.323 of 2020 within 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 24th 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.1398/2025
against
C.C.No.323/2020
Date: 24.11.2025