

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

Present : Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFS.,

Principal Sessions Judge.

Tuesday, the 18th day of February, 2025.

Crl.M.P.No.1/2025

in

C.A.No.199/2025

in

S.T.C.No.561/2022

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

Jayaprakash Rameshbabu,
Proprietor - DJR Transport,
No.53, Perumal Koil Street,
Kondakkarai, Tiruvallur,
Chennai-600120.

.... Petitioner/Appellant/Accused

Vs.

M/s.Kotak Mahindra Bank Limited,
Rep. by its Authorized Signatory
M.Vimalraj, TVH Agnitio Park,
8th Floor, 141, Old Mahabalipuram Road,
Kandhanchavadi, Chennai-96.
The Authorized Signatory was substituted
through order dated 11.12.2023 in
Crl.M.P.No.54230/2023.

.... Respondent/Respondent/Complainant.

This petition is coming on this day before this court for hearing in the presence of M/s.K.Nagarajan and N.Elayaraja, 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.561/2022 on the file of the XXV Metropolitan Magistrate, Egmore, Chennai. On 12.12.2024 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 the cheque amount of Rs.55,33,708/- as compensation to the complainant, in default, to undergo three 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 suspended the sentence till 10.01.2025.

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 one year 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 conditions 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 XXV Metropolitan Magistrate, Egmore, Chennai on or before 25.02.2025. Further, the petitioner shall deposit 20% of the compensation amount before the Trial Court at the credit of S.T.C. within sixty days from the date of this Order.

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

KARTHIKEYAN SHANMUGAM
Digitally signed by
KARTHIKEYAN SHANMUGAM
Date: 2025.02.18 17:33:03
+0530

Principal Sessions Judge

Copy to

The XXV Metropolitan Magistrate, Egmore, Chennai.