

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

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

Principal Sessions Judge.

Thursday, the 13th day of March, 2025.

Crl.M.P.No.1/2025

in

C.A.No.353/2025

in

S.T.C.No.1243/2022

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

M/s.Shree Enterprises,
Rep. by Hitesh S.Joshi,
Old No.13, New No.38,
Erabalu Chetty Street,
Chennai-600001.

.... Petitioner/Appellant/Accused

Vs.

M/s.Sree Gokulam Chit and Finance Co.(P) Ltd.,
Rep. by K.Satheesh Kumar,
No.66, Arcot Road, Kodambakkam,
Chennai-600024.

.... Respondent/Respondent/Complainant.

This petition is coming on this day before this court for hearing in the presence of M/s.K.Madhan, K.Sarath Kumar, S.Gopi Subanidhi and G.Samundeeswari, 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.1243/2022 on the file of the Learned Metropolitan Magistrate, FTC-IV, George Town, Chennai. On 12.02.2025, 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 two months simple imprisonment and imposed a compensation of Rs.1,93,356/- (cheque amount) along with 3% interest per annum for the said cheque amount from the date of dishonour of case cheque to till the date of judgment within one month, in default, to undergo two weeks 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 11.03.2025.

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 two 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. There appears an arguable case before this court. Therefore, this court is inclined to suspend the sentenced on condition that the petitioner shall deposit 20% of the cheque 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 20.03.2025. Further, the petitioner shall deposit 20% of the cheque 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 13th day of March, 2025.

Principal Sessions Judge

Copy to

The Learned Metropolitan Magistrate, FTC-IV, George Town, Chennai.