

IN THE COURT OF PRINCIPAL SESSIONS JUDGE DINDIGUL



PRESENT: Tmt. A. MUTHUSARATHA, B.L., P.G.D.P.M
Principal Sessions Judge, Dindigul.

Thursday, the 12th day of March 2026.

CrI.M.P. No.617/2026 in C.A. /2026
CNR No.TNDG01-001575-2026

Ponnusamy, 46/2026
S/o.Mookkan : Petitioner/Appellant/Respondent
/vs/
1. Nandhakumar, 46/2026 Respondent/Complainant
S/o.Kasthuri ..
2. State through The Public Prosecutor, Dindigul. Formal Party

This petition came before this Court for final hearing today in the presence of Thiru.K.Anbarasan, learned Counsel for the petitioner and of Thiru.R.Udhayanithi learned Public Prosecutor(I/c) for the respondent and heard either side and perusing all the records, this Court delivered the following.....

ORDER

The petitioner/accused has challenged the legality of the conviction and sentence imposed in C.C. No.472/2021 by the learned Judicial Magistrate No.I, Dindigul on 10.2.2026 for the offence under Section 138 of N.I. Act and sentenced to undergo S.I. for six months and to pay a sum of Rs.4,00,000/- towards compensation to the complainant within 30 days from the date of judgement in default to undergo S.I. for two months. The petitioner/accused has filed the above petition u/s.430(1) of BNSS 2023 to suspend the sentence imposed on him till the disposal of the appeal.

The learned counsel for the petitioner/accused submitted that the accused was convicted for the offence under Section 138 of N.I. Act, that the petitioner/accused has regularly appeared before the trial court, that the trial court has granted suspension of sentence till 11.3.2026 vide order in Cr.M.P.No.7/2026, dated 10.2.2026, that he is having arguable points in the appeal and he prays to suspend the sentence till the disposal of the appeal.

Heard. Records perused. The accused was convicted and sentenced to undergo S.I. for six months and to pay a sum of Rs.4,00,000/- towards compensation to the

complainant within 30 days from the date of judgement in default to undergo S.I. for two months for the offence u/s. 138 of N.I. Act by the learned Judicial Magistrate No.I, Dindigul on 10.2.2026 in C.C. No.472/2021. The learned counsel for the petitioner submitted that the petitioner has not borrowed money and issued cheque, however, he was convicted by the trial court and in order to prove his bonafide, he is ready to deposit 10% of the cheque amount without prejudice to his case, that he is having arguable points in the appeal and he prays to suspend the sentence till the disposal of the appeal. On perusal of records reveals that though the trial Court imposed compensation amount, the petitioner has not deposited the same till now. On considering the fact that the compensation amount not paid by the accused till now, this Court is of the view that evidence has to be appreciated for adjudication in the appeal and on considering the facts and circumstances of the case, this Court is inclined to allow this petition subject to the following conditions.

1. The petitioner/accused is directed to deposit 10% of the cheque amount before the learned Judicial Magistrate No.I, Dindigul on or before 6.4.2026 and on deposit of such amount and on production of acknowledgment for payment, this petition will be decided on merits. Call on 7.4.2026.

Pronounced by me in open Court this the 12th day of March 2026.

**Principal Sessions Judge,
Dindigul.**

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The Judicial Magistrate No.I, Dindigul.

The Public Prosecutor, Dindigul .

Thiru. K.Anbarasan Counsel for the petitioner.

} They are requested to download this order from the above said official web site link.