



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 29th day of January 2026.

Crl.M.P. No.2853/2025 in C.A. /2025
CNR No.TNDG01-006048-2025

Sardhar,55/2025

S/o. Abbas

: Petitioner/Appellant/Accused

/vs/

1.Jeyaprakash

S/o.Ramamoorthi

.. Respondent/Complainant

2.The State Through, The Public Prosecutor

This petition came before this Court for final hearing today in the presence of Mrs. S.Manimegalai, learned Counsel for the petitioner and of Thiru.R.Udhayanithi, In-Charge learned Public Prosecutor 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.182/2016 by the learned Judicial Magistrate No.II, Dindigul on 21.5.2025 for the offence under Section 138 of N.I. Act and sentenced to undergo S.I. for 6 months and to pay a sum of Rs.5,00,000/- towards compensation within a period of two months 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 of 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, but, due to illness, on the date of Judgement, the petitioner has unable to attend the Court, the trial Court issued NBW and pronounced conviction Judgement, that as per direction of this Hon'ble Court, the petitioner has surrendered and furnished sureties, 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 6 months and to pay a sum of Rs.5,00,000/- towards compensation within a period of two months in default, to undergo S.I. for two months. The learned counsel for the petitioner argued that the petitioner has not borrowed money and issued cheque, however, he was convicted, in order to prove his bonafide, he is ready to deposit 10% of the cheque amount without prejudice of 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 on the date of Judgement, the petitioner was absent, hence the trial Court issued NBW and pronounced Judgment, that as per order of this Hon'ble Court order dated 19.1.2026, the petitioner was surrendered before the learned Jurisdictional Magistrate Court and furnished sureties and that the petitioner has not deposited the compensation amount as ordered by the trial Court 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 condition:

1. The petitioner/accused is directed to deposit 10% of the cheque amount before the learned Judicial Magistrate No.II, Dindigul on or before 19.2.2026 and on deposit of such amount and on production of acknowledgement for payment this petition will be decided on merits. Call on 20.2.2026.

Pronounced by me in open Court this the 29th day of January 2026.

**Principal Sessions Judge,
Dindigul.**

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The Judicial Magistrate No.II, Dindigul
The Public Prosecutor, Dindigul .
Mrs.S.Manimegalai, Counsel for the petitioner.

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