

**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, ERODE**

Present : Tmt. S. Sameena, B.A., L.L.B.,
Principal Sessions Judge, Erode

Wednesday, the 3rd day of June, 2026

**MP No.1/2026
in
CA No.193/2026**

M.Devaki (54),
W/o. Suresh Kumar,
5/495 D, Sree R.V.Nagar,
Opposite to Blossom Avenue,
Karamadai Mettupalayam,
Coimbatore – 641 104.

...Petitioner/Appellant/Accused

Vs

Mathaiyan (60),
S/o.Periyasamy,
D.No.78, 1st Floor,
Varnapuram 2nd Street,
Bhavani, Erode District.

...Respondent/Respondent/Complainant

Petition dated: 29.04.2026 filed u/s 430(1) of BNSS prays to suspend the sentence passed by the learned Judicial Magistrate No.I, Bhavani in S.T.C. No.928/2022 dated 26.03.2026.

This petition is coming on this day for hearing before me in the presence of Thiru.P.R.Rajasekar, Advocate for the petitioner/appellant/accused and upon hearing the petitioner's side argument, this court made the following:

ORDER

The learned Judicial Magistrate No.I, Bhavani has passed Judgment in S.T.C.No.928/2022, dt:26.03.2026 by convicting the petitioner/appellant/accused under Section 138 Negotiable Instrument Act and sentenced her to undergo Simple Imprisonment for nine months and the petitioner/appellant/accused to pay a compensation of Rs.2,00,000/- to the respondent under Section 357(3) Cr.P.C. within two months from the date of Judgment, in default the petitioner/appellant/accused further to undergo simple imprisonment for two months.

The learned Counsel for the petitioner/appellant/accused has submitted that the petitioner is having good chances to win the appeal and petitioner has filed the appeal on various grounds and the same may be treated as part and parcel of this petition and Trial court has suspended the sentence till 24.04.2026. Further the learned counsel for the petitioner prayed to suspend the sentence imposed against the petitioner/appellant/accused by the trial court and also prayed to enlarge the petitioner/appellant/accused on bail till the disposal of the appeal.

Heard. Records perused. On perusal of records, it is found that the Judgment passed by the trial court shows that the petitioner has convicted for the offence under Section 138 of N.I Act. Trial court has suspended the sentence till 24.04.2026. Further petitioner has filed the appeal on various grounds. In the above circumstances, considering the fact that the petitioner is having arguable points regarding the punishment imposed against the petitioner/appellant/accused and appeal is the statutory right of the petitioner and further she has filed the appeal on various grounds, this Court is inclined to allow this petition.

Regarding the imposition of deposit amount, Section 148 of NI Act reads as follows:-

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973, in an appeal by the drawer against conviction under section 138, 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:

Provided that the amount payable under this sub-section shall be in addition to any interim compensation paid by the appellant under section 143A.”

Hence it is decided to impose deposit of 20% of the cheque amount.

The compensation imposed on the petitioner/appellant/accused by the trial court is Rs.2,00,000/- which is the cheque amount. The petitioner is ready to deposit 20% of the cheque amount. In the above circumstances, considering the amount of compensation imposed, it is decided to impose deposit of 20% of the cheque amount in this appeal.

In the result, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/appellant/accused alone is suspended till the disposal of the appeal upon the following conditions:

(1) That the petitioner/appellant/accused shall be released on bail on condition that the petitioner/appellant/accused shall execute a bond for Rs.10,000/- with two sureties for the like sum each to the satisfaction of the learned **Judicial Magistrate No.I, Bhavani**.

(2) That the petitioner/appellant/accused has to deposit a sum of Rs.40,000/- in the CrI.C.D. account of the court of the learned Judicial Magistrate No.I, Bhavani within 60 days from the date of this order and on such deposit, the said amount has to be invested as fixed deposit in any one of the Nationalized Bank within 5 k.m. radius until further orders.

(3) If the petitioner fails to deposit the above said amount within the time granted, liberty given to the respondent/complainant to approach this court or the court to which the appeal is made over for hearing to revoke this suspension order.

Pronounced by me in open court, this 3rd day of June, 2026.

Principal Sessions Judge
Erode

Copy to

The Judicial Magistrate No.I, Bhavani