

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

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

Tuesday, the 19th day of August, 2025

MP No.1/2025
in
CA No.176/2025

R. Vijayakumar,
S/o. Ramasamy,
Amman Mess,
Karur Bye Pass Road,
Gandhiji Street,
Thamarai TVS Agency Opposite,
Kollampalayam,
Erode - 638 002,
Erode Taluk, Erode District.
Now residing at,
238, Kalangkattu Thottam,
Kannudayampalayam,
Muthayeepalayam Post,
Ganapathypalayam,
Erode - 638 153,
Erode District.

... Petitioner/Appellant/Accused
Vs

T. Balasubramanian,
S/o. Thambana Goundar,
375, Itchipalayam,
Kodumudi, Kodumudi Taluk,
Erode District.

... Respondent/Respondent/Complainant

Petition dated: 06.08.2025 filed u/s 430(1) of BNSS prays to suspend the sentence passed by the learned Judicial Magistrate, Fast Track Court No.II, Erode, has convicted the accused in S.T.C. No.537/2019, dt:11.07.2025.

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

ORDER

The learned Judicial Magistrate, Fast Track Court No.II, Erode has passed Judgment in S.T.C.No.537/2019, dt:11.07.2025 by convicting the petitioner/Appellant/Accused under Section 138 Negotiable Instrument Act and sentenced him to undergo Simple Imprisonment for three months and to pay a compensation of Rs.5,00,000/- under Section 357(3) Cr.P.C. within three months from the date of Judgment, in default to undergo simple imprisonment for one month.

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. Trial court has suspended the sentence till 10.08.2025. The petitioner prayed to suspend the sentence imposed against the petitioner by the trial court and also prayed to enlarge the petitioner 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 petitioner has convicted for the offence under Section 138 of N.I Act. 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/accused and appeal is the statutory right of the petitioner and further he 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 compensation amount imposed by the trial court.

The compensation imposed on the petitioner by the trial court is Rs.5,00,000/- 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 and he 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, Fast Track Court No.II, Erode and also **that petitioner has to deposit a sum of Rs.1,00,000/- before the learned Judicial Magistrate, Fast Track Court No.II, Erode within 60 days from the date of this order and the said amount has to be kept in CrI.C.D.**

Pronounced by me in open court, this 19th day of August, 2025.

Principal Sessions Judge
Erode

Copy to

1. Judicial Magistrate Fast Track Court No.II, Erode
2. Thiru.S.Devarajan, Advocate, Erode