

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

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

Monday, the 08th day of December, 2025

**MP No.2/2025
in
CA No.324/2025**

N.S.Karthikeyan (39),
Proprietor N Mart Traders,
S/o.Chenniyappan,
216, Nagadevanpalayam,
Gobichettipalayam, Erode.

...Petitioner/Appellant/Accused

Vs

Manoharan (63),
S/o.Mariappan,
9/52, Veeranampalayam,
Seenapuram Post, Thudupathi via,
Perundurai, Erode.

...Respondent/Respondent/Complainant

Petition dated: 26.09.2025 filed u/s 430(1) of BNSS prays to suspend the sentence passed by the learned Judicial Magistrate, Perundurai in S.T.C. No.336/2016 dated 21.08.2025.

This petition is coming on this day for hearing before me in the presence of the petitioner/appellant/accused appearing *in person* and upon hearing the petitioner's side argument, this court made the following:

ORDER

The learned Judicial Magistrate, Perundurai has passed Judgment in S.T.C.No.336/2016, dated 21.08.2025 by convicting the petitioner/Appellant/Accused under Section 138 Negotiable Instrument Act and sentenced him to undergo Simple Imprisonment for six months and to pay a compensation of Rs.5,00,000/- under Section 357(3) Cr.P.C. to the respondent within three months from the date of Judgment, in default to undergo simple imprisonment for one month.

The petitioner/appellant/accused has appeared before this court *in person* and represented that he is having good chances to win the appeal and he has filed the appeal on various grounds and the same may be treated as part and parcel of this petition. Since the petitioner was suffering from viral fever on 21.08.2025, he was unable to appear before the trial court on the date of judgment and hence the trial court has issued NBW against the petitioner on 21.08.2025. Further, the petitioner has submitted that since the cheque amount is huge, he may be ordered to deposit 10% of the cheque amount instead of 20%. Further, the petitioner prays to suspend the sentence imposed against him by the trial court and also prays to enlarge him 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. Further petitioner has filed the appeal on various grounds. Due to illness, the petitioner has not appeared before the trial court on the date of judgment and hence the trial court has issued NBW against the petitioner on 21.08.2025. The compensation imposed on the petitioner by the trial court is Rs.5,00,000/- which is the cheque amount. The petitioner has submitted that he is ready to deposit 10% of the cheque amount. In the above circumstances, considering the amount of compensation imposed against the petitioner and also considering the submissions of the petitioner, it is decided to impose deposit of 10% of the cheque amount in this appeal and also refer the case to mediation for amicable settlement between the parties.

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, Perundurai and also **that the petitioner has to deposit a sum of Rs.50,000/- before the**

learned Judicial Magistrate, Perundurai within 60 days from the date of this order and the said amount has to be kept in Crl.C.D and also refer the petitioner and the defacto complainant to mediation to explore the possibility of an amicable settlement between them.

Pronounced by me in open court, this 08th day of December, 2025.

Principal Sessions Judge
Erode

Copy to

1. Judicial Magistrate, Perundurai
2. Thiru.P.P.Duraisamy, Advocate, Erode