

**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 03rd day of December, 2025

MP No.2/2025
in
CA No.319/2025

A. Malathi (55),
D/o. Appadhurai,
Head Master,
Panchayat Union Primary School,
Thandagoundanpalayam,
Thoranavavi & Post – 638 110.
Residing at: No.6, Slater Nagar,
Sanatorium, Perundurai – 638 053.

...Petitioner/Appellant/Accused

Vs

C. Chandrasekaran (60),
S/o. M. Chinnasamy,
No.33/7, Murugan Nagar,
Kumalankuttai,
Erode Taluk,
Erode – 11.

...Respondent/Respondent/Complainant

Petition dated: 06.10.2025 filed u/s 430(1) of BNSS prays to suspend the sentence passed by the learned Judicial Magistrate, Fast Track No.II, Erode in S.T.C. No.98/2023 dated 14.07.2025.

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, Fast Track No.II, Erode has passed Judgment in S.T.C.No.98/2023, dated 14.07.2025 by convicting the petitioner/Appellant/Accused under Section 138 Negotiable Instrument Act and sentenced her to undergo

Simple Imprisonment for three months and to pay a compensation of Rs.2,00,000/- to the respondent 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 petitioner/appellant/accused appeared before this court in person and represented that she is having good chances to win the appeal and the petitioner has filed the appeal on various grounds and the same may be treated as part and parcel of this petition. Further, the petitioner has submitted that she is working as Head Master in a Government School and since she was unable to appear before the trial court on the date of judgment due to duty training commitment at outstation, the trial court has issued NBW against her on 14.07.2025. The petitioner prayed to suspend the sentence imposed against her by the trial court and also prayed to enlarge her 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 the petitioner has filed the appeal on various grounds. 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 14.07.2025. In the above circumstances, considering the fact that the petitioner is having arguable points regarding the punishment imposed against the petitioner 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 compensation amount imposed by the trial court.

The compensation imposed on the petitioner 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 and she 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 the petitioner has to deposit a sum of Rs.40,000/- 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 03rd day of December, 2025.

Principal Sessions Judge
Erode

Copy to

1. Judicial Magistrate, Fast Track Court No.II, Erode
2. Thiru.G.K.Eswaran, Advocate, Erode