

In the Court of The Principal Sessions Judge, Erode

Present: V.Suresh B.A., B.L.,

II Additional District Judge, Erode

Principal Sessions Judge (I/C)

Friday, 9th day of January 2026

M.P.No.2 of 2026 in CA No.10/2026
(CNR.No.TNED01-004670-2025)

K.Angamuthu, S/o. Kalimuthu

-Petitioner/Appellant/Accused

Vs

S.K.N.Jayakumar, S/o.S.K.Nallasamy

-Respondent/Respondent/Complainant

This petition coming on 09-01-2026 before me for final hearing in the presence of Thiru.P.S.Gowrishankar, learned Advocate appearing for the petitioner/appellant/accused and upon hearing the arguments of petitioner/appellant/accused side, perusing the records and having stood over for consideration till this day, this court delivers the following,

Order

01. The petitioner/appellant/accused had filed this petition under section 430(3) of B.N.S.S. seeking suspension of sentence.

02. The learned Judicial Magistrate, Fast Track Court I, Erode has passed Judgment in S.T.C.No.78/2022, dated 29-11-2024 by convicting the Petitioner/Appellant/Accused u/s 138 Negotiable Instruments Act and sentenced him to undergo Simple Imprisonment for three months and to pay a compensation of Rs.3,00,000/- to the Respondent/Respondent/Complainant u/s 357(3) Cr.P.C., within three months from the date of judgment, in default to undergo Simple Imprisonment for one month.

03. 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 that since the petitioner was unable to appear before the trial court on the date of judgment, the trial court has issued NBW against the petitioner on 29.11.2024 and that the petitioner prayed to suspend the sentence imposed against the petitioner by the trial court and to enlarge the petitioner on bail till the disposal of the appeal.

04. Heard. Records perused. On perusal of records, it is found that the Judgment passed by the trial court shows that the petitioner was convicted for the offence under Section 138 of N.I Act. Further, 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 29.11.2024. 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, he has filed the appeal on various grounds, this Court is inclined to allow this petition with conditions.

05. The compensation imposed on the petitioner by the trial court is Rs.3,00,000/- 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 and the duration of case pending before the trial court, it is decided to direct the petitioner/appellant/accused to deposit of 20% of the cheque amount before the trial court.

In the result, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended till the disposal of the appeal and the petitioner shall be released on bail on conditions that the petitioner 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 I, Erode and that the petitioner shall deposit a sum of Rs.60,000/- in STC No.78/2022 before the learned

Judicial Magistrate, Fast Track Court I, Erode within 30 days from the date of this order, failing which this petition shall automatically stands dismissed. The petitioner shall co-operate for disposal of the criminal appeal. Accordingly, the petition allowed with conditions.

Directly dictated to Steno-Typist, typed by her, corrected and pronounced by me in open court on this 9th day of January 2026.

Principal Sessions Judge (I/C),
Erode.

Copy to

1. The Judicial Magistrate, Fast Track Court I, Erode
2. Thiru.P.S.Gowrishankar, Advocate, Erode