

In the Court of Principal Sessions Judge, Kanyakumari District at
Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Principal Sessions Judge.

Monday, the 30th day of March, 2026.

S.T.C. No.134/2019 of the Court of Judicial Magistrate No.II,
Padmanabhapuram.

Crl.M.P. No. 627/2026 in C.A.No.20/2026

(CNR.No.TNKK01-000995-2026)

Johnson S/o. Chellaya

...Petitioner/Appellant/Accused

/Vs./

1. D. Raju S/o. David

2. The State of Tamil Nadu,
Rep. by the Public Prosecutor,
Nagercoil.

... Respondents

This petition coming on this day for hearing before me in the presence of Tmt V. Annie Joe Shayaniya, Advocate for the petitioner and Thiru D. Raghu, Advocate for the 1st respondent and Thiru P. Linus Raj, Public Prosecutor for the 2nd respondent and upon hearing both sides and upon perusing the materials available on record, this court delivered the following:

ORDER

The petitioner seeks suspension of sentence imposed on the petitioner on 09.01.2026 in S.T.C. No.134/2019 of the Court of Judicial Magistrate No.II, Padmanabhapuram till the disposal of the criminal appeal.

2. It appears that the petitioner has been convicted by the learned Judicial Magistrate No.II, Padmanabhapuram in S.T.C. No.134/2019 by Judgment dated 09.01.2026 and the petitioner/accused was convicted and sentenced to undergo simple imprisonment for one year and to pay a compensation of Rs.50,000/- to the complainant as litigation expenses u/s 357(3) of Cr.P.C., in default of payment of amount, to undergo further period of simple imprisonment for one month for the offence u/s 138 of Negotiable Instruments Act.

3. Aggrieved by the judgment and conviction, the accused has filed the appeal and this petition to suspend the sentence.

4. The petitioner has not paid the compensation amount of Rs. 50,000/-.

5. The learned counsel for the petitioner submitted that the petitioner was on bail during trial and he has fair chance of success in the appeal and the trial court has suspended the sentence till 09.02.2026 and

prayed to suspend the sentence.

6. Upon service of notice, though the 1st respondent appeared through his counsel, he has not filed counter.

7. The Hon'ble High Court in its decision in ***C.R. Balasubramaniam /Vs./ P. Eswaramoorthy*** reported as **2024: MHC:5897** has directed that while dealing with an application for suspension of sentence or for grant of bail when an appeal is filed against the conviction for offence u/s 138 of the Negotiable Instruments Act, the Courts must not mechanically impose a condition of deposit of 20% of the compensation amount/the cheque amount u/s 148 of the Negotiable Instruments Act and that when any ground has been raised by the appellant for reducing the percentage or for exempting the deposit of such amount, it has to be dealt with by the appellate court and a reasoned order must be passed if the court wants to direct the appellant to deposit 20% of the compensation amount/cheque amount. In this regard, the petitioner in this petition has not raised any special grounds which would warrant the reduction of the amount to be deposited u/s 148 of the Negotiable Instruments Act, except stating that she has a fair chance to success in the appeal and that he was on bail all along. In such circumstances, this court does not find any reason to reduce the amount to be deposited from 20% as required u/s 148 of the Negotiable

Instruments Act.

8. In the result, the substantive portion of sentence of imprisonment imposed on the petitioner and the order of compensation passed by the lower court are suspended with condition that the petitioner/appellant shall deposit 20% of the total compensation amount imposed by the trial court i.e. Rs.10,000/- (Rupees Ten Thousand only) on or before 29.04.2026 and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate No.II, Padmanabhapuram within two weeks from the date of this order.

On the failure of the petitioner, to comply with the above said conditions, the suspension granted to him shall stand automatically cancelled and the Magistrate concerned shall take necessary steps to secure the petitioner/accused.

Call on 30.04.2026

Pronounced by me in open court this the 30th day of March, 2026.

Principal Sessions Judge,
Kanniyakumari at Nagercoil.

To
The Judicial Magistrate No.II, Padmanabhapuram. (through e-Mode)

