

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

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

Wednesday, the 1st day of April, 2026.

STC No.251/2022 of the Judicial Magistrate No.I, Padmanabhapuram

CrI.M.P. No. 705/2026 in C.A.No.27/2026

(CNR.No.TNKK01-001132-2026)

Sobia Sharly W/o. Arul Sebastian

.. Petitioner/Accused

/Vs./

1. K. Sankar S/o. Kumaraswamy Pillai

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

... Respondents

This petition is coming on today for final hearing before me in the presence of Thiru V. Arul Prabin, Advocate for the petitioner and Thiru P. Linus Raj, Public Prosecutor for the 2nd respondent and 1st respondent has not appeared and upon hearing, this court delivered the following:

ORDER

The petitioner seeks suspension of sentence imposed on the

petitioner in S.T.C No.251/2022 on 29.01.2026 of the court of Judicial Magistrate No.I, Padmanabhapuram till the disposal of the criminal appeal.

2. It appears that the petitioner has been convicted by the learned Judicial Magistrate No.I, Padmanabhapuram in S.T.C No. 251/2022 by Judgment dated 29.01.2026 and the petitioner/accused was convicted and sentenced to undergo simple imprisonment for six months and to pay a sum of Rs.2,00,000/- as compensation to the complainant u/s 357(3) of Cr.P.C. within a period of 30 days from the date of Judgment, in default of payment of amount, to undergo further period of two months simple imprisonment 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.4,00,000/-.

5. The learned counsel for the petitioner submitted that the petitioner was on bail during trial and she got fair chances to win the appeal and the trial court has suspended the sentence and prayed to suspend the sentence.

6. Upon notice, the 1st respondent has not appeared before this court.

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 she 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.40,000/- (Rupees Forty Thousand only) on or before 01.06.2026 and the petitioner is ordered to be enlarged on bail on her surrendering before the court concerned within 15 days from the date of this order and on her executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate No.I, Padmanabhapuram.

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

Call on 02.06.2026.

Pronounced by me in open court this the 1st day of April, 2026.

Principal Sessions Judge,
Nagercoil.

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