

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI****PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,****Principal Sessions Judge, Pudukkottai.****Wednesday the 22nd day of April, 2026****Miscellaneous Petition No:1/2026 in C.A.No.46/2026****\*\*\*\*\***

Richard Arulselvan, S/o. Savarimuthu.

.....Petitioner/Appellant/Accused

/Versus/

M.R.Ganesan, S/o. Ramaiah.

.....Respondent/ Respondent/Complainant

This petition coming on this day before me for hearing in the presence of Thiru. K.Karuppaiah, Learned Advocate appearing for the Petitioner and this Court passed the following,

**ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner u/s 430 of BNSS, praying to suspend the sentence and compensation imposed on him by the Judicial Magistrate No.I, Pudukkottai in STC.No. 417/2024 dated 10.03.2026 till the disposal of the main appeal.

The Learned Counsel for the petitioner contends that the petitioner was on bail during the time of trial and he obtained an interim order of suspension of sentence from the trial court. He further contends that the trial court has failed to consider the plea of defence raised by the petitioner and passed the impugned order and as such, the petitioner has a good chance of success in the appeal and he is in custody from 21.04.2026 and he is ready to furnish sufficient sureties and hence, he prays to allow this petition by imposing the deposit condition as 10% of cheque amount.

With regard to imposition of a condition for payment of a minimum 20% of compensation / fine amount awarded by the trial court u/s 148(1) of NI Act, **this court**

**relied upon a decision** rendered by the Hon'ble High Court of Madras in a case between C.R.Balasubramanian vs P. Eswaramoorthi reported in 2025(3) MWN (Cr.) DCC 104 (SC), wherein it has been held that

*“When an appeal is filed against the conviction for offence u/s 138 of NI Act, the courts must not mechanically impose a condition of deposit of 20% of the compensation amount u/s 148 of NI act. 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 compensation amount”.*

**This court relied upon yet another decision** rendered by the Hon'ble Supreme Court in a case between Jamboo Bhandari vs. MP State Industrial Development Corporation Limited reported in 2025 Live Law (SC) 776, wherein it has been held that

*“In section 148 of NI act – Deposit of minimum 20% amount is not an absolute rule, if the appellate court comes to the conclusion that it is an exceptional case, the reasons for coming to the said conclusion must be recorded.”*

The contentions put forth on the side of the petitioner is taken into consideration and perused the records. On perusal of the judgment of the trial court, it reveals that the petitioner was found guilty u/s 138 of Negotiable Instrument Act and sentenced to undergo S.I. for six months and to pay a sum of Rs.10,00,000/- as compensation. Aggrieved with the above said Judgment, the petitioner has preferred a Criminal Appeal before this court and the same is taken on file. It is further revealed from the judgment that compensation amount imposed on the petitioner and the petitioner was on bail throughout the trial period and the sentence was suspended by the trial court u/s 389(1) of Cr.P.C.

By considering all these facts and circumstances of the case, submissions put forth on the side of the petitioner and in view of the decisions cited supra, this Court is inclined to allow this petition with several conditions.

- 1) The petitioner is directed to deposit 10% of the cheque amount which comes to Rs.1,00,000/- ( $\text{Rs.10,00,000/-} \times 10/100 = \text{Rs.1,00,000/-}$ ) before the Jurisdictional Magistrate within a period of **30 days** from

the date of this order as per section 148(2) of N.I. Act

- 2) After complying with the 1<sup>st</sup> condition, the petitioner is ordered to be released on bail during the pendency of appeal on his executing personal bond for a sum of Rs.10,000/- with two sureties for a like sum to the satisfaction of the **Trial Court** concerned. On furnishing bail bond, the operation of the sentence of imprisonment shall remain suspended till the disposal of the appeal.
- 3) Only after compliance of the above said two conditions, within a period of **30 days** from the date of this order, the operation of the sentence of imprisonment and balance cheque amount of Rs.9,00,000/- shall remain suspended till the disposal of the appeal, failing which, this order shall stand cancelled automatically.
- 4) Further, the petitioner is directed to appear before this Court at 10.30 a.m. on 12.06.2026 in the main appeal.
- 5) In the event of failing to comply with the said deposit condition or to file any time extension petition as per provision u/s 148(2) of N.I. Act, the Appellate Court concerned shall direct the trial court concerned to issue NBW as against the petitioner for the purpose of serving the sentence ordered in the judgment of the trial court.

Pronounced by me in Open Court, this the 22nd day of April, 2026.

Principal Sessions Judge,  
Pudukkottai.

**Copy to:**

The Judicial Magistrate No.I, Pudukkottai.  
The Counsel for the petitioner.