

IN THE COURT OF THE II ADDITIONAL DISTRICT JUDGE, SALEM.

PRESENT: Thiru. S. Ezhil Velavan, MBA., LL.M.,

II Additional District Judge, Salem.

Monday, the 19th day of January, 2026.

C.M.P.No.1/2026 in CrI.A.No.5/2026

in

S.T.C. No.5653/2023

on the file of the Judicial Magistrate Court No.3, Salem.

Mr. John Louis(56),
Prince Fancy Stores,
Convent Road,
Near Ganga Kaveri Gas Godown,
Fairlands, Salem – 636 016.

... Appellant /Accused

/Vs/

Mr. Bhaskar, (aged about 60 years),
S/o. Late Daniel,
No.4/261, New park Street,
Syndicate Bank Colony,
Ayyanthirumaligai Post,
Salem – 636 008.

... Respondent / Complainant.

*1. Kiruba (65)
W/o. Late D.Bhaskar
No.4/261, New park Street,
Syndicate Bank Colony,
Ayyanthirumaligai Post,
Salem – 636 008.

2. D. Prasanth, S/o. Late D. Bhaskar,
No.4/261, New park Street,
Syndicate Bank Colony,
Ayyanthirumaligai Post,
Salem – 636 008.

--- Respondent

Petition dated 19.01.2026 U/Sec. 430(1) of BNSS, to suspend the sentence passed against the Petitioner by the learned Judicial Magistrate No.3, Salem in

STC.No.5653/2023 dated: 08.12.2025 till the disposal of appeal.

This petition is coming on this day for hearing before me in the presence of Tr.D.Gowthaman, Advocate for the Petitioner/ Appellant / Accused and upon perusing the entire case records, this Court passed the following :

ORDER

The learned Counsel for the Petitioner / Appellant / Accused would submit that this petitioner / Accused was faced trial in STC.No.5653/2023 before the learned Judicial Magistrate No.3, Salem, found guilty for the offence U/s of NI Act, convicted and sentenced on 08.12.2025 to undergo 11 months simple imprisonment and directed to pay twice the cheque amount i.e., Rs.9,60,000/- as a compensation to the complainant U/s 357(3) of Cr.P.C within two months, in default of payment of compensation, the accused is sentenced to undergo 3 months Simple Imprisonment. The default sentence shall run consecutively. Immediately after the pronouncement of Judgment, on his application the said sentence was suspended till 08.12.2025 as per the order in Cr.M.P No.4968/2025 dated 08.12.2025 by the learned Judicial Magistrate No.3, Salem.

2. As per the undertaking given by the Petitioner / Accused before the learned Judicial Magistrate No. 3, Salem, he preferred an appeal before this Court and now stands before this Court for the relief of suspension of sentence imposed by the learned Judicial Magistrate No. 3, Salem, and he is ready to offer sufficient sureties as required by this Court towards his enlargement on bail on suspension of sentence.

3. Heard the counsel for petitioner/ accused, upon perusal of the available records it is made clear that the Petitioner / Accused undergone the ordeal of trial upon the complaint instituted by the Respondent / Complainant for an offence U/s 138 of NI Act which ended in conviction as stated above on 08.12.2025. At this initial stage of appeal, in case of such nature, this Court is not bound to go deep into the merits and

de-merits of the said case, at the best this Court can ensure the regular follow-up, on the appeal filed by the aggrieved party, without prejudice to the rights and responsibilities of the either parties. On such perusal it is clear that the Petitioner / Accused filed this criminal Appeal aggrieved over the conviction order passed by the learned Judicial Magistrate No.3, Salem. So this Court inclines to entertain the prayer of the petitioner on the following conditions:

1. The Petitioner / Appellant / Accused is hereby directed to surrender before the learned Judicial Magistrate No.3, Salem and to deposit 20% of the compensation amount (Rs.9,60,000/-) i.e., Rs.1,92,000/- into the credit of STC No.5653/2023 on the file of the Judicial Magistrate Court No.3, Salem on or before 18.02.2026.
2. On such compliance the Petitioner / Appellant / Accused shall execute a bond for Rs.25,000/- and two sureties for the like sum each, to the satisfaction of the learned Judicial Magistrate No.3, Salem and enlarged on bail. The respondent/complainant is at liberty to withdraw the said deposited 20% of the cheque amount, with an undertaking to repay the same before the said learned Judicial Magistrate No.3, subject to the outcome of the appeal, if ordered in favour of the appellant and against the respondent, without fail.
3. The Petitioner / Appellant required to appear before this Court as and when this Court requires and directs, without fail. With the above observations and condition, this petition is allowed in the interest of the Justice.

Dictated to the stenographer, directly typed by her, corrected and pronounced by me in the Open Court, this the 19th day of January 2026.

**II Additional District Judge,
Salem.**