

IN THE COURT OF III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALLI

Present : **Thiru.B. Saravanan, B.Sc., B.L.,**
III Additional District & Sessions Judge,
Tiruchirappalli.

Wednesday, the 22nd day of July, 2026

Cr.M.P.No.1457/2026 in Criminal Appeal No.62/2026

P.Paramasivam,
S/o.Ponnusamy,
No.34B, 3rd Street,
New No.2, Keelputhur,
Palakkarai,
Tiruchirappalli.

... Petitioner/Appellant/Accused

/Vs/

S.Singamalliga,
W/o.Singaraj,
No.18-A, Doctor
Isaq Theru,
Sangiliyandapuram,
Tiruchirappalli.

...Respondent/Respondent/Complainant

This petition was coming up before me on 20.07.2026 for final hearing in the presence of Thiru.V.Narayanan, Advocate for the Petitioner/Appellant/ Accused and in the presence Thiru.R.Renganathan, Advocate for the Respondent/Complainant and upon perusing the petition, affidavit, counter and documents on record and upon hearing the arguments of both side, having stood over the consideration till this day, this court delivers the following,

ORDER

1. This petition is filed by the Petitioner/Appellant/Accused under Section 389(1) of Cr.P.C / sec.430 of BNSS to suspend the sentence imposed by the learned Judicial Magistrate No.II, Tiruchirapalli in C.C.No.388/2016, dated 29.01.2026.

2. The Petitioner/Appellant is the accused before the learned Judicial Magistrate No.II, Tiruchirapalli in C.C.No.388/2016 by way of the judgment dated 29.01.2026, learned Judicial Magistrate No.II, Tiruchirapalli has convicted the Petitioner/Appellant/Accused under Sec.138 of Negotiable Instruments Act and sentenced the Petitioner/Appellant to undergo Simple Imprisonment for One year and directed to pay sum of **Rs.5,00,000/-**(Rupees Five Lakhs only) (Cheque amount) as compensation with an interest at the rate of 9% per annum to the Respondent/Complainant u/s.357 (3) of Cr.P.C within Two months and in default of payment of the compensation, the accused shall undergo a further period of Two months Simple imprisonment. Challenging the conviction judgment and sentence, the above appeal is filed before this court.

3. The learned counsel for the Petitioner/Appellant/Accused would submit that trial court judgment is not correct and the same against law and the petitioner/appellant/Accused is having good case in this appeal and the appellant is having merits in this appeal he has shown good cause to suspend the sentence till the disposal the above appeal. Hence, he prayed that the petition may be allowed.

4. The learned Counsel for the Respondent/Complainant has submitted that the accused has been rightly found guilty of the offence under section 138 of Negotiable Instruments Act and the trial court has correctly convicted the petitioner/appellant/Accused and he has not shown any good cause in this petition and prayed to pass appropriate order this petition.

5. Heard both side and perused the records. On perusal of the records, it is found that the Petitioner/Appellant/Accused has raised substantial grounds, challenging the impugned trial court judgment. Further, it is found that the petitioner is having arguable case in the appeal. However, considering the nature and circumstances of the case, the Petitioner/Appellant/Accused has not made out any extraordinary grounds for granting exemption from depositing the amount which is not less than 20% of the cheque amount in this petition.

6. Hence, considering the nature and circumstances of the case and in the interest of the justice, this court inclined to enlarge the petitioner on interim bail by suspending the sentence, till the disposal of the appeal, subject to the following conditions:

1) The Petitioner/Appellant/Accused has to be released on interim bail on executing a bond for Rs.20,000/- along with two sureties, each for like-sum to the satisfaction of the Learned Judicial Magistrate No.II, Tiruchirapalli.

2) The Petitioner/Appellant shall deposit of Rs.1,00,000/- being 20% of the

cheque amount, before the trial court within 60 days from the date of this order.

3) If the petitioner/Appellant deposits the above said amount within the time frame fixed by this Court, the bail order shall be made absolute till the disposal of this appeal.

4) If the petitioner/Appellant fails to deposit the amount within the time frame fixed above, the interim bail shall stand cancelled.

5) The Petitioner/Appellant shall appear before this court and also before the trial court as and when directed to do so.

Pronounced by me in the open court on this the 22nd day of July 2026.

III Additional District & Sessions Judge,
Tiruchirappalli.

To

1. The Petitioner through Petitioner's counsel.
2. The Respondent through Respondent's counsel.

Copy to: The learned Judicial Magistrate No.II, Tiruchirappalli.