

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT TIRUVALLUR

Present: Dr. J. JULIET PUSHPA, Ph.D. (Law)

Principal District and Sessions Judge, Tiruvallur

Friday, the 9th day of January, 2026

M.P.No: 1/2026 in CrI. Appeal No.18/2026

H. Raju, S/o Heeralal

...Petitioner/Accused

//Versus//

M. Ayyadurai, S/o Muthukaruppaiah

...Respondent/Complainant

Petition dt: 24.12.2025 U/s. 430 of BNSS praying for suspension of sentence pending Criminal Appeal

This petition coming on this day for hearing before me having the petition filed by the petitioner Counsel M/s D. Inbaraj, N. Kannan, and upon hearing the arguments of the petitioner/appellant and in the presence of respondent/ complainant and upon perusing the records and material and hearing both sides, this court made the following:-

ORDER

Heard arguments of the learned counsel for the petitioner. Petition filed u/s 430 of BNSS praying to suspend the sentence imposed by the Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur in STC No.75/2022 dated 13.11.2025 till the disposal of the appeal

The learned counsel for the petitioner has submitted that the trial court without considering material evidence that without proper appreciation of evidence and documents convicted the accused. The trial court failed and neglected to consider that the alleged cheque was returned not for the reason of insufficient funds or exceed the arrangement, but for the reason of “payment stopped by the drawer” for which the bank transaction is filed. there is no proof for transaction of Rs.3 lakhs between the petitioner and the complainant. Thus there is no enforceable debt upon the petitioner and the trial court failed to consider that there was no transaction without any acknowledgement. The petitioner is likely to succeed in the appeal. Hence prayed to suspend the sentence without imposing 20% of statutory deposit.

A perusal of records shows that Trial Court found the petitioner/accused company guilty u/s 138 of negotiable Instrument Act convicted u/s 255(2) Cr.P.C. and sentenced him to undergo 8 months simple imprisonment and also directed to pay Rs.3,00,000/- along with interest at 9% per annum from the date of dishonour within a period of one month as compensation u/s 357(3) Cr.P.C., in default to undergo further period of one month simple imprisonment.

As against the conviction and sentence of imprisonment of trial Court, the accused preferred the present appeal which is now taken on file as CA.18/2026. The trial court suspended the sentence till 12.12.2025 as per the orders in CMP No.800 /2025 dated 13.11.2025. Admittedly, there is no delay in in filing the appeal. Now appeal is preferred and the same is admitted. Therefore, this Court is inclined to suspend the sentence of imprisonment imposed by trial court till the disposal of appeal.

The learned counsel for the petitioner argued that the petitioner has no legally enforceable debt as he had stopped the payment, but the cheque was not returned for insufficiency of funds. hence, there is no legally enforceable debt, Hence, prayed to suspend the sentence without imposing the condition for depositing the statutory amount of 20% out of the compensation amount considering the exceptional case of petitioner , for which relied on the judgment of the Hon’ble Supreme Court of India in **Criminal Appeal No.2741/2023 (SLP No.4927/2023) dated 04.09.2023 (Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Limited & others)**.

As far as the contention of the learned counsel for the petitioner is concerned, as per the principles laid down in the above said judgment, the Hon’ble Apex Court has held that if the Court finds any exceptional reason for non-imposing a condition of depositing 20% of the compensation amount, then the Court can suspend the sentence without imposing such condition of deposit. So, the Court shall consider non-imposing the condition for depositing 20% of compensation amount only in respect of exceptional circumstances.

As per the principles laid down in the above judgment of the Hon'ble Apex Court, it has been held that the deposit of 20% of compensation amount is not an absolute rule and it can be reduced or even exempted in exceptional cases by assigning reasons. Based on the above authority, our Hon'ble High Court, Madras in the Judgment rendered on 22.01.2024 in *Crl.O.P.947/2024 (CR Balasubramaniam Vs. P. Eswaramoorthi)* held that,

“If the accused person is able to make out a ground for reduction of this percentage or for exemption of deposit, the same has to be considered by the appellate Court before directing deposit of compensation amount as a condition while suspending the sentence / granting bail”

Further, the Hon'ble High Court, Madras in the Judgment in *Crl.O.P.No.8467 of 2025* dated 21.03.2025 (*K.L.Lakshmi pathi Vs. K. Kasirajan*), wherein held that

“When an accused applies under Section 389 Crl.P.C for suspension of sentence, he normally applies for grant of relief of suspension of sentence without any condition. Therefore, when a blanket order is sought by the appellants, the court has to consider whether the case falls in exception or not.”

Now, this Court has to find out whether the case of the petitioner comes under the exceptional circumstances or not. On considering the ground seeking exemption of statutory deposit, it is only the merits of the case, which has to be decided only in the Criminal Appeal and the same cannot be decided at this stage and the same cannot be a prima facie to consider as exceptional circumstances to consider the exemption from statutory deposit. Hence, this Court comes to the conclusion that this is not the fit cases which comes under the exceptional circumstances. Thus, the statutory deposit as contemplated u/s 148 of N.I.Act cannot be relaxed.

Considering the above said aspects, this Court is inclined to suspend the sentence of imprisonment alone imposed by the Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur in STC No.75/2022 dated 13.11.2025 till the disposal of the Criminal Appeal No. 18/2026. The petitioner/appellant shall deposit 20 % of the compensation amount before the trial Court to the Credit of STC No.75/2022 within a period of sixty days. In default of deposit of the compensation amount, the order passed will stand cancelled automatically. The petitioner / Appellant is directed to appear before the II Additional District and Sessions Judge, Poonamallee on 11.03.2026.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this, 9th day of January, 2026

**Principal District and Sessions Judge,
Tiruvallur**

Copy to

The Petitioner's Advocate M/s D. Inbaraj
The II Additional District and Sessions Judge, Poonamallee
The Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur