

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 6th day of March 2026

M.P.No: 1 / 2026 in CrI. Appeal No. 81/ 2026

R.Pratheep Kumar

Managing Director of K.R.M Kumaragam Chits (P) Ltd.,

...Petitioner/Accused

//Versus`//

Adhishesha Rao

...Respondent/Complainant

Petition dt: 21/01/2026 u/s. 430(1) 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.S.Balasubramanian, G.Balu, A.Dinesh Kumar, A.Antony Jegadesh, P.Karan and upon hearing the arguments of the petitioner/appellant 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(1) of BNS praying to suspend the sentence imposed by the Judicial Magistrate, No I Ponneri in S.T.C No.1572/2016 dated 05.12.2025 till the disposal of appeal.

The learned counsel for the petitioner has submitted that the alleged cheque transactions were happened only after relieving of the appellant from the company and the trial court had failed to appreciate the evidence of the PWI and failed to consider the fact that the non existence of the legally enforceable debt and material evidence and documents, convicted the accused, hence the petitioner has chances to succeed in the appeal, the trial court already suspended the sentence, there is no delay in filing the appeal, hence prayed to suspend the sentence till disposal of the appeal and the petitioner is ready to deposit 20% of compensation amount.

A perusal of records shows that Trial Court found the petitioner/accused guilty u/s 138 of negotiable Instrument Act convicted u/s 255(2) Cr.P.C. and sentenced to undergo six months simple imprisonment and directed accused to pay Rs.5,21,522/- to the complainant within two months as compensation u/s 357(3) Cr.P.C.

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.81/2026. The trial Court suspended the sentence as per the orders in CMP NO.1107/2025 dated 05.12.2025. The delay in filing the appeal was condoned by this Court in CrI.M.P.No.373/2026 on 27.02.2026, Now the appeal is filed and taken on file. Therefore, considering all the above facts, this court is inclined to suspend the sentence of imprisonment till disposal of the criminal appeal.

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As per the principles laid down by the Hon'ble Apex Court 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*) 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. In the case on hand, as per the representation of the learned counsel for petitioner it appears that he is ready to deposit statutory 20% of the compensation before the Trial Court.

Considering the above said aspects, this Court is inclined to suspend the sentence of imprisonment imposed by the Judicial Magistrate, No I Ponneri in S.T.C No.1572/2016 dated 05.12.2025 alone till the disposal of the Criminal Appeal No.81/2026. The petitioner/ appellant and accused is directed to deposit 20% of the compensation amount before the trial Court to the Credit of STC. No.1572/2016 within the 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 IV Additional District and Sessions Judge, Ponneri on 01.06.2026.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this 6th day of March 2026

**Principal District and Sessions Judge,
Tiruvallur**

Copy to:-

The Petitioner's Advocate M/s.S.Balasubramanian

The IV Additional District and Sessions Judge, Poonneri

The Judicial Magistrate No I Ponneri