

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
Wednesday, the 11th day of March 2026

M.P.No: 1 / 2026 in CrI. Appeal No. 88/ 2026

K.Unnikrishnan S/o.Late Krishnan Nair

...Petitioner/Accused

//Versus`//

T.N.Jyothimani S/o.Late T.V.Natarajan

...Respondent/Complainant

Petition dt: 24/02/2026 u/s. 430(1)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.R.Sami, G.Dharoga, G.Santhoshkumar. P.Manikandan 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, Fast Track Court at Magisterial Level, Ambattur in S.T.C No.33/2021 dated 27.01.2026 till the disposal of appeal.

The learned counsel for the petitioner has submitted that at the time of sale agreement the complainant had obtained three unfilled cheques from the accused as security and he would return with the sale consideration amount to complete the agreement further he neither returned nor paid the agreed sale consideration misused the said cheques in the present case, the trial court without considering material evidence the trial court without proper appreciation of evidence and documents convicted the accused. Hence the petitioner has chances to succeed in the appeal. The trial court already suspended the sentence. The trial court imposed compensation as Rs.5,00,000/-, hence, petitioner may be exempted from depositing the 20% of in the Cheque 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 each to undergo 10 months simple imprisonment and directed the accused to pay Rs.5,00,000/- within one month to the complainant as compensation u/s 357(3) Cr.P.C in default to undergo further two months 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.88/2026. The trial court suspended the sentence for 30 days as per the orders in in CMP No.38/2026 dt. 27.01.2026. Admittedly, there is no delay in filing the appeal and 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 fair chances to succeed in the appeal, the Cheque amount is Rs.5,00,000/- hence, he may be exempted from the condition for depositing the 20% of statutory amount in the total compensation amount.

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.

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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 CrI.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”

Hence, as per the principles laid down in the above Judgment of the Hon'ble Apex Court and our Hon'ble High Court, Madras, it is understood that deposit of 20% of compensation amount is not an absolute rule while suspending the sentence of the Trial Court. On the other hand, it can be exempted under exceptional circumstances by assigning reasons.

In the case on hand, on considering the available materials and records, it does not show any exceptional reason stated by the petitioner for suspending the sentence without imposing condition of statutory deposit amount. The only circumstance focused by the petitioner is that the petitioner has fair chances to succeed in the appeal. Therefore, the reason put forth by the petitioner claiming exemption from deposit of 20% of statutory deposit amount runs into the merits of the case, which cannot be considered as an exceptional circumstance and such merits of the case cannot be considered at this stage. There are no other reasons focused which come under the exceptional circumstances.

The petitioner states that there are 3 cheques allegedly issued by the petitioner towards land consideration, out of which two cases filed and the same was in respect of land transaction. The petitioner has made prima facie to depend his case. Considering the arguments of learned Counsel for accused and considering other facts and circumstances, this Court is inclined to suspend the sentence imposing the condition for depositing 10 % of compensation amount.

On considering the above aspects, this Court is inclined to suspend the sentence of imprisonment imposed by the Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur in S.T.C No.33/2021 dated 27.01.2026 till the disposal of the Criminal Appeal No. 88/2026 on condition that the petitioner/appellant to deposit 10 % of the compensation amount before the trial Court to the Credit of S.T.C No. 33/2021 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 01.06.2026.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this 11th day of March 2026

**Principal District and Sessions Judge,
Tiruvallur**

Copy to:-

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