

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
Thursday, the 12th day of March 2026

M.P.No: 1 / 2026 in CrI. Appeal No. 92/ 2026

V.Samundeeswari D/o.Veerappan

...Petitioner/Accused

//Versus`//

R.Santhi D/o. R.Rajendran

...Respondent/Complainant

Petition dt: 18/02/2026 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.E.T.Nandhakumaran, A.Arumugam, V.P.Madhankumar Raja, S.Ramachandiran, S.Nithya 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, Poonamallee in S.T.C No.724/2021 dated 30.01.2026 till the disposal of appeal.

The learned counsel for the petitioner has submitted that 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 Cheque amount is Rs.15,00,000/- and the trial court imposed compensation as Rs.30,00,000/-, 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 one year simple imprisonment and directed the accused to pay Rs.30,00,000/- (Cheque amount is Rs.15,00,000/-) within one month to the complainant as compensation u/s 357(3) Cr.P.C in default to undergo further one week 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.92/2026. The trial court suspended the sentence for 30 days as per the orders in in CMP No.6/2026 dt. 30.01.2026. 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.15,00,000/- 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.

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 the 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 circumstances and such merits of the case cannot be considered at this stage. There are no other reason is focused which comes under the exceptional circumstances. Only for that purpose, sentence cannot be suspended without imposing the statutory condition. Since there is no exceptional reason made out by the petitioner so as to relax the condition by suspending sentence without imposing condition of depositing 20% amount, the contention of the learned counsel for the petitioner is not acceptable.

However, as per the authority of the Hon’ble High Court , Madras **CrI. O.P..23452/2024 dated 25.09.2024(E.J. Upendrasai Vs. N. Prakash)** , the Hon’ble High Court, held as follows :

“the trial court while holding the petitioner guilty had awarded twice the Cheque amount as compensation. Considering the said fact, it is appropriate to modify the condition imposed for suspension of sentence by directing the petitioner herein to deposit Rs.3,00,000/- being 10% of the compensation amount”

Here, in this case also, the trial court awarded Rs.30,00,000/- as compensation above for the Cheque amount Rs.15,00,000/- . Therefore, as per the above authority of the Hon’ble High Court, Madras and also 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, Poonamallee in S.T.C No..724/2021 dated 30.01.2026 till the disposal of the Criminal Appeal No. 92/2026 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. 724/2021 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 III Additional District and Sessions Judge, Poonamallee on 01.06.2026.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this 12th day of March 2026.

**Principal District and Sessions Judge,
Tiruvallur**

Copy to:-

The Petitioner's Advocate M/s.E.T.Nandhakumaran
The III Additional District and Sessions Judge, Poonamallee
The Judicial Magistrate Fast Track Court at Magisterial Level, Poonamallee