

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

**Present: Tmt. J. JULIET PUSHPA, B.Sc., M.L.,**

**Principal District and Sessions Judge, Tiruvallur**

**Tuesday, the 25<sup>th</sup> day of March, 2025**

**M.P.No: 1/2025 in CrI. Appeal No.47/2025**

D. Shanmugam, S/o Dhandu

...Petitioner/Accused

//Versus//

C. Vajram, S/o Chengaayya

...Respondent/Complainant

**Petition dt: 17.03.2025 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 S. Selvakumar, Nagaraj, M.S. Deepika, 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 of BNSS praying to suspend the sentence imposed by the District Munsif cum Judicial Magistrate, Pallipattu in STC No.167/2023 dt. 25.02.2025 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 judgment of the trial court is perverse to the law. Hence, prayed to suspend the sentence till disposal of appeal

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 one year simple imprisonment and directed accused to pay Rs.2,00,000/- within two months as compensation u/s 357(3) Cr.P.C in default to undergo further three months simple imprisonment. The trial Court suspended the sentence in MP No.1/2025 dated 25.02.2025.

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.47/2025. Admittedly, there is no delay 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 and enlarge the petitioner on bail pending disposal of the appeal.

The learned counsel for the petitioner stated that the petitioner is ready to deposit 20% statutory deposit amount

As per the principles laid down in the above Judgment of the Hon'ble Apex Court, 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 this case, there is no exceptional circumstances made out so as to relax the condition of statutory deposit of 20%

Considering the above said aspects, this Court is inclined to suspend the sentence of imprisonment alone imposed by the District Munsif cum Judicial Magistrate, Pallipattu in STC No.167/2023 dt. 25.02.2025 till the disposal of the Criminal Appeal No. 47/2025. The petitioner/ appellant and accused is directed to deposit 20% of the compensation amount before the trial Court to the Credit of STC No.167/2023 within the period of sixty days from the date of his release. In default, of deposit of the compensation amount, the order passed will stand cancelled automatically. The petitioner/Appellant shall appear before the I Additional District and Sessions Court, Tiruvallur on 03.06.2025.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this, 25<sup>th</sup> day of March, 2025

**Principal District and Sessions Judge,  
Tiruvallur**

**Copy to**

The Petitioner's Advocate M/s S. Selvakumar  
The I Additional District and Sessions Judge, Tiruvallur  
The District Munsif cum Judicial Magistrate, Pallipattu