

IN THE COURT OF VACATION JUDGE (CRIMINAL SIDE) AT TIRUVALLUR

Present: Tmt. C.Uma Maheshwari M.L.,
Vacation Judge (Criminal side), Tiruvallur
Wednesday, the 20th day of May, 2026
M.P.No: 1 / 2026 in CrI. Appeal No. 156/ 2026

P.K.Sekar S/o.Gurusamy

Proprietor of M/s.Maari Agro Foods

...Petitioner/Accused

//Versus`//

P.Kumarasamy Proprietor of

M/s. Prasanna Engineering Work

...Respondent/Complainant

Petition dt: 08/05/2026 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 P.Natarajapillai, Praveen, V.Prasanth and respondent Counsel K.Murugan B.Bindhu and upon hearing the arguments of both sides 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, Magisterial Level, Ambattur in S.T.C No.219/2021 dated 10.04.2026 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, 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 6 months simple imprisonment and directed accused to pay Rs.2,00,000/- to the complainant within one month as compensation u/s 357(3) Cr.P.C in default to undergo further 2 weeks 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.156/2026. The trial Court suspended the sentence as per the orders in CMP NO.335/2026 dated 10.04.2026. There is no delay in filing the appeal, 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.

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, Fast Track Court, Magisterial Level, Ambattur in S.T.C No.219/2021 dated 10.04.2026 alone till the disposal of the Criminal Appeal No.156/2026. The petitioner/ appellant and accused is directed to deposit 20% of the compensation amount before the trial Court to the Credit of S.T.C No.219/2021 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 II Additional District and Sessions Judge, Poonamallee on 20.07.2026.

Dictated to the Steno Typist and Pronounced by me in Open Court, this the 20th day of May 2026.

**VACATION JUDGE
(Criminal Side) , Tiruvallur**

Copy to:-

The Petitioner's Advocate M/s P.Natarajapillai

The II Additional District and Sessions Judge, Poonamallee

The Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur