

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 8th day of April, 2026

M.P.No: 1/2026 in CrI. Appeal No.93/2026

R. Rajendiran, S/o Raju

...Petitioner/Accused

//Versus//

K. Sakthivel, S/o Kannan,

...Respondent/Complainant

Petition dt: 24.02.2026 U/s. 430 of BNSS praying for suspension of sentence pending Criminal Appeal and u/s 483 of BNSS to enlarge the petitioner on Bail.

This petition coming on this day for hearing before me having the petition filed by the petitioner Counsel M/s D. Velu, G. Lavanya, Balachandran and upon hearing the arguments of the petitioner/appellant and in the presence of respondent/ complainant 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 Judicial Magistrate , Fast Track Court at Magisterial Level, Ambattur in STC No.626/2018 dated 19.06.2025 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 petitioner is likely to succeed in the appeal. Moreover the cheque was issued only for security purpose which was misused by the complainant, There is no legally enforceable debt. Hence prayed to suspend the sentence without imposing 20% of statutory deposit. The delay in filing the appeal is already condoned. The petitioner is likely to succeed in the appeal. Hence, prayed to suspend the sentence and enlarge the petitioner on bail as per authority of the Hon'ble High Court, Madras Madurai Bench in CrI.RC No.589/2015 and MP (MD)1/2015 dated 18.01.2016 enlarge the petitioner on bail and also he may be exempted from payment of statutory deposit.

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 also directed to pay Rs.8,50,000/- with an interest of 9% per annum from the date of dishonor /- as compensation u/s 357(3) Cr.P.C. within one month in default, to undergo further period of 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.93/2026 . The petitioner not appeared before the trial court, hence NBW is pending . Already the delay of 102 days in filing the appeal was condoned by this Court in CMP No.4908/2025 dt. 06.03.2026. Now the appeal is admitted.

The learned counsel for the petitioner argued that since the trial court imposed double the cheque amount as compensation, prayed to suspend the sentence without imposing the condition for depositing the statutory amount of 20% out of the compensation amount considering the exceptional case of petitioner , for which relied on the judgment of the Hon'ble Supreme Court of India 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).**

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 Crl.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”

As far as this case is concerned, the petitioner has submitted the cheque was issued only as security and there is no legally enforceable debt and even PW1 has admitted about execution of signature in blank papers. Hence, in the above circumstances, this Court considers that the petitioner may be directed to deposit 10% of the compensation towards the statutory deposit of 10% as per the dictum of Hon'ble Apex Court.

Considering the above said aspects, this Court is inclined to suspend the sentence of imprisonment alone imposed by the Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur in STC No.626/2018 dated 19.06.2025 till the disposal of the Criminal Appeal No. 93/2026 and the petitioner is enlarged on bail on his execution of a bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur. The petitioner/appellant shall deposit 10 % of the compensation amount before the trial Court to the Credit of STC No.626/2018 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 08/06/2026 .

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this, 8th day of April, 2026

**Principal District and Sessions Judge,
Tiruvallur**

Copy to

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