

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  
Monday, the 5<sup>th</sup> day of January 2026

M.P.No: 1 / 2025 in CrI. Appeal No. 281/ 2025

Sri Surya Construction Rep. By its  
Authorized Signatory Jeya Surya W/o.Parthasarathy

...Petitioner/Accused

//Versus`//

P.Backiya Lakshmi

...Respondent/Complainant

**Petition dt: 06/11/2025 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.H.Janakiraman, M.Dellibabu,U.Santhanam, V.Prasanth, G.Malathi and the respondent police through the Public Prosecutor and upon hearing the argument of counsel for petitioner through video conferencing and that of the Public Prosecutor, perusing the reply of the Public Prosecutor for the State/Respondent and 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.104/2023 dated 07.10.2025 till the disposal of appeal.

The learned counsel for the petitioner through video conferencing has submitted that the trial court without considering material 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.

The learned counsel for the respondent filed counter stating that no objection to allow this petition.

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 12 months simple imprisonment and directed accused to pay Rs.4,50,000/- to the complainant within one month as compensation u/s 357(3) Cr.P.C in default to undergo further 2 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.281/2025. The trial Court suspended the sentence as per the orders in CMP NO.724/2025 dated 07.10.2025. 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.

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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.104/2023 dated 07.10.2025 alone till the disposal of the Criminal Appeal No.281/2025. The petitioner/ appellant and accused is directed to deposit 20% of the compensation amount before the trial Court to the Credit of STC. No.104/2023 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 III Additional District and Sessions Judge, Poonamallee on 06.03.2026.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this 5<sup>th</sup> day of January 2026

**Principal District and Sessions Judge,  
Tiruvallur**

**Copy to:-**

The Petitioner's Advocate M/s.H.Janakiraman

The III Additional District and Sessions Judge, Poonamallee

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