

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
Friday, the 9th day of January 2026

M.P.No: 1 / 2026 in CrI. Appeal No. 4/ 2026

Malliga W/o.S.R.K.Sambath

...Petitioner/Accused

//Versus`//

Raghavan S/o.Kannan

...Respondent/Complainant

Petition dt: 16/12/2025 u/s. 430(1) & 483 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.Raja, R.Sivalingam, J.Madhan Prasath, 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, Tiruvallur in S.T.C No.128/2023 dated 25.11.2025 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 petitioner was not present at the time of judgment due to his illness and hence NBW was issued, there is no delay in filing the appeal, hence, prayed to suspend the sentence till disposal of appeal and to 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 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 3 months simple imprisonment and directed accused to pay Rs.20,000/- to the complainant within 30 days as compensation u/s 357(3) Cr.P.C. in default to undergo further 15 days 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.4/2026. The petitioner was not present at the time of judgment due to his illness and hence NBW was issued 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 at Magisterial Level, Tiruvallur in S.T.C No.128/2023 dated 25.11.2025 alone till the disposal of the Criminal Appeal No.4/2026. The petitioner/ appellant and accused is directed to deposit 20% of the compensation amount before the trial Court to the Credit of STC. No. 128/2023 within the period of sixty days and on condition that the petitioner is enlarged on bail on him execution of a bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur. In default of deposit of the compensation amount, the order passed will stand cancelled automatically. The petitioner/appellant is directed to appear before the I Additional District and Sessions Judge, Tiruvallur on 11.03.2026.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this 9th day of January, 2026.

**Principal District and Sessions Judge,
Tiruvallur**

Copy to:-

The Petitioner's Advocate M/s P.Raja

The I Additional District and Sessions Judge, Tiruvallur

The Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur