

In the Court of Sessions, Tenkasi Division
Before the Principal Sessions Judge, Tenkasi.

PRESENT: THIRU. B.RAJAVEL, B.SC.,B.L.,

Principal Sessions Judge, Tenkasi

Tuesday the 24th day of March 2026

M.P.No.1/2026 in C.A.16/2026

Kalyanasundaram, W/o. Balasubramanian ... Petitioner /Appellant/Accused

/ Vs /

Muthukumar, S/o Chellaiah Respondent/Complainant

Petition dt: 17.03.2026 filed u/s 430(1) of BNSS prays to suspend the sentence passed by the learned Judicial Magistrate, Shencottah has convicted the accused in S.T.C No.168/2023, dt: 05.02.2026.

This petition is coming on this day for hearing before me in the presence of the Thiru.V.Athi Balasubramanian, Advocate for the petitioner/appellant/accused and on hearing petitioner side this court delivered the following...

ORDER

The learned Judicial Magistrate, Shencottah on 05.02.2026 has passed Judgment in S.T.C No.168/2023, convicted the petitioner/Appellant/Accused under Section 138 Negotiable Instrument Act and sentenced him to undergo Simple Imprisonment for the period of 1 year and to pay a sum of Rs.1,00,000/- to the complainant as compensation u/s 395(3) of BNSS, failing which the accused shall have to undergo further period of three months simple imprisonment.

The learned Counsel for the petitioner /appellant/accused submitted that the sentence imposed is also very high and the petitioner is having good chances to win the appeal. Petitioner has filed the appeal on various grounds and the same may be treated as part and parcel of this application. The petitioner has met with a Motor Vehicle Accident on 02.12.2025 and was admitted in Subbulakshmi Nursing Home, Tenkasi on 03.12.2025 and subsequently, he was undergone surgery and is still undergoing regular treatments at Subbulakshmi Nursing Home, Tenkasi and Nalam Clinic, Tenkasi and hence he could not appear before the trial court on the date of Judgment and hence NBW was issued against this petitioner on the date of Judgment. Prays to suspend the sentence imposed against the petitioner by the trial Court.

After taking into consideration of petitioner side learned counsel arguments, and also on perusal of records it is found that the petitioner has been convicted by the trial court under Section 138 of N.I Act. In the said circumstances, considering the fact that, he has filed the appeal on various grounds and the petitioner is having arguable points regarding the punishment imposed against the petitioner/accused and no other cases reported against the petitioner, this Court comes to the conclusion that this petition is to be allowed.

Regarding the imposition of deposit amount, Section 148 of NI Act reads as follows:-

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973, in an appeal by the drawer against conviction under section 138, the Appellate Court may order the appellant to deposit such sum which shall be a minimum of twenty percent of the fine or compensation awarded by the trial Court: **Provided** that the amount payable under this sub-section shall be in addition to any interim compensation paid by the appellant under section 143A.”

Hence it is decided to impose deposit of 20% of the compensation amount imposed by the trial court.

The learned Counsel for Petitioner is also ready to deposit 10% of the compensation amount.

Hence it is decided to impose condition to deposit 10% of the compensation amount imposed by the trial court.

In the result, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/appellant/accused alone is suspended till the disposal of the appeal and he shall be released on bail on condition that the petitioner/appellant/accused shall execute a bond for Rs.10,000/- with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate, Shencottah. Further, the **petitioner has to deposit a sum of Rs.10,000/- before the learned Judicial Magistrate, Shencottah on or before 23.04.2026 and the said amount has to be kept in Crl.C.D.**

Pronounced by me in open court, this the 24th day of March 2026.

PRINCIPAL SESSIONS JUDGE,
TENKASI.

Copy To :

The Judicial Magistrate, Shencottah.

The Counsel for the Petitioner.