



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 February 2026
M.P.No.1/2026 in C.A.6/2026

A.Josephraj, S/o. Antony Baskar ... Petitioner /Appellant/Accused

/ Vs /

Murugesan,
 S/o Poonjolai

.... Respondent/Complainant

Petition dt: 16.02.2026 filed u/s 430 of BNSS prays to suspend the sentence passed by the learned Judicial Magistrate, Sivagiri has convicted the accused in C.C.No.179/2017, dt: 26.11.2025.

This petition is coming on this day for hearing before me in the presence of the Thiru.S.Marimuthu, Advocate for the petitioner/appellant/accused and Thiru.R.Raju, Advocate for the respondent complainant and on hearing both sides this court delivered the following...

ORDER

The learned Judicial Magistrate, Sivagiri on 26.11.2025 has passed Judgment In C.C No.179/2017, convicted the petitioner/Appellant/ Accused under Section 138 Negotiable Instrument Act and sentenced him to undergo Simple Imprisonment for the period of one year and to pay a sum of Rs.8,00,000/- to the complainant as compensation within a period of one month u/s 357 of Cr.P.C. from the date of Judgment, 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 trial Court has suspended the sentence imposed against the petitioner and ordered to deposit Rs.2,00,000/- (i.e. 25% of the total fine before the trial

court within the period of 4 weeks, and also ordered to appear regularly before the appellate court on each date of hearing unless exempted by the court. The petitioner is residing in Coimbatore and his wife is a cancer patient and undergone treatment and he has to spend an amount of Rs.70,000/- per month to purchase medicine and has to be taken care of his wife everyday and 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.

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, Sivagiri. Further, the **petitioner has to deposit a sum of Rs.80,000/- before the learned Judicial Magistrate, Sivagiri on or before 23.03.2026 and the said amount has to be kept in CrI.C.D.**

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

PRINCIPAL SESSIONS JUDGE,
TENKASI.

Copy To :

The Judicial Magistrate, Sivagiri.

The Counsel for the Petitioner.

