

**IN THE COURT OF SESSIONS DIVISION OF
VELLORE DISTRICT, TAMIL NADU.**

Present: Thiru.M.Elavarasan
Principal Sessions Judge, Vellore.

Saturday, the 07th day of March, 2026

CrI.M.P. No. 851 of 2026
in
C.A.No.15 of 2026

(Appeal preferred against the Judgment, dated 05.02.2026 in
S.T.C.No. 324 of 2022 on the file of Judicial Magistrate
(FTC) Vellore.)

Offence : U/s. 138 NI Act

(petitioner/accused is convicted and sentenced to undergo simple imprisonment for the period of three months and to pay double the cheque amount of R.4,00,000/- as compensation to the complainant u/s 357(3) of Cr.P.C., within two months, in default, to undergo simple imprisonment for further period of 2 months)

M. Mathiyazhagan,
S/o Moorthy
No.16, Ambedkar Branch Street
Kalinjur, Katpadi
Vellore District
Tamil Nadu.

... Petitioner/Appellant/Accused

-Versus-

V.Michael,
S/o Victor
No.7, Sivaraj Nagar
Kalinjur, Katpadi
Vellore District
Tamil Nadu.

... Respondent/Complainant

This petition is coming before me for hearing today in the presence of Thiru.K.Sivaguru, learned counsel for the Petitioner, and after hearing arguments and perusal of the records, this court, delivers the following:-

ORDER

This Criminal Miscellaneous Petition is filed u/s 430(1) of BNSS to suspend the sentence of imprisonment and compensation imposed on the petitioner/appellant in S.T.C. No.324 of 2022, dated 05.02.2026 by the Judicial Magistrate (FTC), Vellore. Challenging said finding of conviction, sentence and compensation awarded in the above said Judgment, the petitioner has filed the Criminal Appeal in C.A. No.15 of 2026.

2. Pending appeal the petitioner moves this Criminal Miscellaneous petition for suspension of sentence.

3. The learned counsel for the petitioner submitted that as per Sec. 148(1) of Negotiable Instruments Act, power is given to the appellate court that conditional amount may be ordered not less than 20% and he has come forward to deposit 20% of cheque amount.

4. The recent amendment in the Negotiable Instruments Act in 2018, Sec.148 has been amended. Sub Clause (1) of Sec.148 of Negotiable Instruments Act given a power to the appellate court that it may direct the appellant/accused to deposit not less than 20% of cheque amount, either out of fine or compensation. In this case the Judicial Magistrate (FTC), Vellore has imposed compensation as double the cheque amount of Rs.4,00,000/-.

5. Considering the above submissions, this court is inclined to allow this petition subject to the following conditions:

(i) That the impugned sentence order passed in S.T.C. No.324 of 2022, dated 05.02.2026 passed by the Judicial Magistrate (FTC), Vellore, petitioner/accused is convicted and sentenced to undergo simple imprisonment for the period of three months and to pay double the cheque amount of Rs.4,00,000/- within two months as compensation in default, to undergo simple imprisonment for further period of 2 months, are suspended till the disposal of the appeal.

(ii) While executing a bond, the Petitioner/Appellant/Accused should deposit a sum of Rs.80,000/- towards the 20% of compensation amount before the Judicial Magistrate (FTC), Vellore within one month. After that the Judicial Magistrate (FTC), Vellore is directed to invest the said deposit amount in any Nationalized Bank and after disposal of the case that amount would be ordered as per Judgment of the court.

(iii) The Petitioner/appellant/accused is ordered to surrender before the trial court within 15 days from the date of this order and ordered to be released on bail on executing his bond for Rs.10,000/- along with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate Fast Track Court, Vellore.

(iv) That any deviation on the part of the Petitioner/appellant, the Judicial Magistrate (FTC), Vellore is required to issue Non Bailable Warrant after the expiry of one month period and secure the accused and put him in prison.

Pronounced by me in the Open Court on the 07th day of March, 2026.

Principal Sessions Judge,
Vellore.

To
The Judicial Magistrate (FTC)
Vellore.