

**IN THE COURT OF XI ADDITIONAL DISTRICT AND SESSIONS JUDGE
TADEPALLIGUDEM, WEST GODAVARI DISTRICT.**

Present :: SRI SHAIK SIKINDER BASHA,
XI Additional District and Sessions Judge,
Tadepalligudem.

Thursday, the 16th day of April, 2026.

**Crl.M.P.No.1/2026 in Crl. Appeal No.59/2026 on the file of I Additional
Civil Judge(Junior Division), Tadepalligudem.**

Between:-

Smt. Panchadi Aruna Kumari W/o.Venkanna, aged 45 years, C/o.Paide Goverdhana Rao, D.No.1-2-94, Narayanapuram village, Unguturu Mandal, Eluru District.

... Petitioner/Appellant/Accused

And

1. Muppidi Raja Reddy, S/o.Satti Reddy, aged 55 years, D.No.2-22, Thakkellapadu village, Dwaraka Thirumala Mandal, Eluru District.

... Respondent/Complainant.

2. The State: Represented by its Addl. Public Prosecutor, West Godavari District.

... 2nd Respondent

This petition has come up before me on 16.04.2026 for final hearing in the presence of **Sri A.vijayaratnam and Sri P.Praveen Prakash**, Advocates for Petitioner/appellant/accused, and of Additional Public Prosecutor representing the 2nd Respondent and upon hearing their arguments, this Court made the following:

ORDER

The Petitioner/appellant/accused in Crl.Appeal No.59/2026, filed this Petition under Section 389(1) Cr.P.C. r/w Sec.430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of imprisonment passed by the trial court in CC No.111/2020 dated 25.03.2026 for the offence under section 138 of N.I Act on the ground that the petitioner has got fair chances to success in the appeal. She was at large during trial of the case and appeared before the court and cooperated the trial. Unless the order of sentence is

suspended, the petitioner will suffer hardship.

2. Heard the learned counsel for the Petitioner/Appellant/accused.
Perused the record.

3. Now the point for consideration is

Whether the petitioner/accused is entitled for suspension of sentence passed by the trial court in C C No.111/2020 dt 25.03.2026 as prayed for?

4. The learned counsel for the petitioner submits that the petitioner was tried for the offence under section 138 of N.I Act. She was found guilty and was convicted and sentenced to suffer simple imprisonment for 6(six) months and ordered to pay fine amount of Rs.6,00,000/- within 30 days, failing which to undergo simple imprisonment for 3 months and the said total fine amount was awarded as compensation to the complainant under section 357(1)(a) and (b) of Cr.P.C. to defray the expenses incurred by the complainant. The petitioner is a woman suffering with the health ailments. She underwent surgery and unable to move from the bed. She is depending on her son. Due to her health condition, she is unable to pay the compensation. She got strong case to success in appeal. Hence, the sentence may be suspended by dispensing with payment of fine amount.

POINT:

5. The petitioner/accused was tried and found guilty of the offence under section 138 of N.I Act and sentenced to undergo simple imprisonment of 6 months and also ordered to pay fine of Rs.6,00,000/-, and the total fine amount has been awarded as compensation to the complainant. In default of payment of fine, the petitioner was directed to undergo default sentence for a period of 3 months. The petitioner seeks suspension of sentence pending disposal of appeal. Under section 148 of N.I Act a minimum of 20% of fine amount of compensation awarded by trial court has to be deposited for the purpose of suspending sentence. The Hon'ble Apex Court in a decision

between **Jamboo Bhandari Vrs. M.P.State Industrial Development Corporation Ltd., others**¹ while interpreting section 148 of N.I Act, held that, it is always open for the court to consider whether it is exceptional case or not which warrants payment or deposit of 20% of compensation amount. In the present case, the petitioner contends that she is woman and suffering from health ailments and she is depending on her son and she cannot pay 20% of the fine amount awarded by the trial court. This Court is satisfied that this is an exceptional case to reduce the quantum of deposit money to suspend the substantive sentence of imprisonment. Hence, taking into consideration the submission made by the learned counsel for the petitioner/appellant/accused, the amount of compensation is reduced to 10%.

6. In the result, the petition is allowed and the substantial sentence of imprisonment passed in C.C No.111/2020 dt.25.03.2026 is suspended till disposal of the appeal subject to following conditions.

- (1) The petitioner/appellant/accused shall furnish personal bond for Rs.10,000/- with two sureties for the likesum to the satisfaction of the trial court.
- (2) The petitioner/appellant/accused shall deposit 10% of the compensation amount i.e., Rs.60,000/- before the trial court within 60 days from today as required under section 148(2) of N.I Act.
- (3) The petitioner/ Appellant shall furnish her mobile number, present address and shall undertake not to change her mobile number and residential address without intimation to court.
- (4) On failure to comply any of the conditions, the petition shall be dismissed.

Dictated to the Stenographer Grade-I, transcribed by her, corrected, signed and pronounced by me in open Court, this the 16th day of April, 2026.

Sd/- Shaik Sikinder Basha
XI ADDITIONAL SESSIONS JUDGE,
TADEAPLLIGUDEM.

Copy To:

1. The I Additional Civil Judge (Junior Division) cum Judicial Magistrate of I Class, Tadepalligudem.
2. Sri A.Vijayaratham and Sri P.Praveen Prakash, Advocates for Petitioner/appellant/Accused.

¹ 2023 LIVELAW(SC) 776