



IN THE III ADDITIONAL DISTRICT AND SESSIONS COURT, CHENNAI

Present: Tmt. R.K.P. Tamilarasi, M.L.,

IV Additional Sessions Judge

III Additional Court (FAC)

Wednesday, the 12th day of August, 2026

CrI.M.P.No.01/2026

in

C.A.No.1124/2026

Against

S.T.C.No.5569 of 2025

(C.N.R.No.TNCH01-008923-2026)

(On the file of the Learned XXXV Metropolitan Magistrate (FTC -II), Egmore at Allikulam, Chennai-03)

M. Jithesh Kumar,
S/o. Manoharan.

...Petitioner/Appellant/Accused

-Vs-

Mr. G.B. Ghewar Chand,
S/o. Late Mr. Bheraham.

...Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing in the presence of M/s. Anoj Elangovan, Manne Ramya, Sathriyan.K, Counsels for the Petitioner/Appellant/Accused, upon hearing the counsel for the petitioner, this Court delivered the following:

ORDER

1. The petitioner seeks suspension of sentence pending disposal of the appeal.

2. The Petitioner/Appellant is the accused in S.T.C.No.5569/2025 on the file of the learned XXXV Metropolitan Magistrate (FTC No.II), Egmore at Allikulam, Chennai. On 02.02.2026, judgment was pronounced in the above case and the accused was found guilty u/s.138 of N.I.Act and the Appellant/accused is convicted and the sentenced to undergo Six months Simple Imprisonment and directed to pay the compensation amount of Rs.1,52,120/- within 30 days, in default the accused undergo Simple Imprisonment for Two months.



3. Learned counsel for the Petitioner/Appellant would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence. This court has also perused the memorandum of appeal and the submission made by the petitioners counsel.

4. As per Sec.148 of N.I. Act (Amendment Act), 2018, 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. In the above provision, it is clearly stated that the amount shall be deposited within 2 months from the date of the Order. As already stated supra, the petitioner/appellant/accused was ordered to undergo Six months Simple Imprisonment and in these circumstances, it may not be right to hold that the petitioner has to serve the sentence during the pendency of the appeal.

5. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 15% of the compensation amount.

6. Accordingly, the sentence of imprisonment imposed on the petitioner by the lower Court alone is hereby suspended till the disposal of the appeal and the accused is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned XXXV Metropolitan Magistrate (FTC-II), Egmore at Allikulam, Chennai, within two weeks. Further the Petitioner/Appellant shall deposit 15% of the compensation amount at the credit of S.T.C.No.5569/2025 on the file of the Trial Court within sixty days from the date of this Order.

Dictated to Steno-typist, typed by her directly, corrected and pronounced by me in open court this the 12th day of August, 2026.

**IV Additional Sessions Judge,
III Additional Court (FAC).**

Copy to: The XXXV Metropolitan Magistrate (FTC-II), Egmore at Allikulam, Chennai.