

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023.

Crl.M.P.No.17370/2023

in

Crl.M.P.No.13116/2023

in

Crime No.117/2023

Appu @ Chandran

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

D-4, Zam Bazaar Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.T.V.Somasundaram, U.Yuvaraj, A.Vinoth Kumar and T.Kanimozhi, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.13116/2023, dt: 13.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.13116/2023, dated 13.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 30 days.

4. The petitioner has complied the condition for 30 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023.

Crl.M.P.No.17371/2023

in

Crl.M.P.No.11956/2023

in

Crime No.122/2023

1. Vanamuthu
2. Madesh

.. Petitioners/Accused

Vs.

State Rep. by
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.M.Kaveriselam, M.Sursh Kumar and M.Jai Shankar, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.11956/2023, dt: 7.6.2023.

2. The petitioner was granted anticipatory bail by this court in Crl.M.P.No.11956/2023, dated 7.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 34 days.

4. The petitioner has complied the condition for 34 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023.

Crl.M.P.No.17372/2023

in

Crl.M.P.No.12052/2023

in

Crime No.126/2023

Sadam Usen

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

D-2, Anna Salai Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.B.J.Santhoshkumar and B.Vignesh, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.12052/2023, dt: 3.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.12052/2023, dated 3.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 44 days.

4. The petitioner has complied the condition for 44 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

SS

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023.

Crl.M.P.No.17373/2023

in

Crl.M.P.No.12775/2023

in

Crime No.130/2023

Adhi Narayanan

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

G-1, Vepery Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.B.J.Sathoshkumar, V.Parthiban, C.Lakshmanan and E.Gokulnath, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.12775/2023, dt: 9.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.12775/2023, dated 9.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 33 days.

4. The petitioner has complied the condition for 33 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023.

Crl.M.P.No.17374/2023

in

Crl.M.P.No.11683/2023

in

Crime No.7/2019

1. Aniamma Valsa Cherian,
Proprietor of KFJ Gold and Diamond Pvt. Ltd.,
New No.39, Old No.50,
Sterling Road, Nungambakkam,
Chennai-600034.
2. Dhanya Sujith,
Proprietor of KFJ Gold and Diamond Pvt. Ltd.,
New No.39, Old No.50,
Sterling Road, Nungambakkam,
Chennai-600034.

.. Petitioners/Accused

Vs.

State Rep. by
The Deputy Superintendent of Police,
EOW-II, Headquarters,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.McGan Law Firm, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioners seek relaxation of the condition imposed by this court in Crl.M.P.No.11683/2023, dt: 1.6.2023.
2. The petitioners were granted bail by this court in Crl.M.P.No.11683/2023, dated 1.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.
3. Learned CPP submits that the petitioner has complied the condition for 37 days.
4. The petitioner has complied the condition for 37 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023

Crl.M.P.No.17405/2023

in

Crl.M.P.No.28260/2023

(On the file of the learned V Metropolitan Magistrate, Egmore, Chennai)

in

Crime No.73/2023

Karthick @ Loosu Karthick

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.N.Ganesh, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks modification of the condition imposed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.28260/2023, dt: 14.7.2023.
2. The petitioner was granted default bail u/s 167(ii) Cr.P.C. by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.28260/2023, dated 14.7.2023 with condition that the petitioner shall execute a bond for Rs.10,000/- with two sureties and one of the surety shall be parents or blood relatives or family members of the petitioner and they shall produce Family Card and Aadhaar Card or any other Photo identity proof and also the condition that the petitioner shall deposit a sum of Rs.25,000/- in DLSA, Chennai.
3. Learned counsel for the petitioner submits that the petitioner is a daily wage worker and he is not in a position to deposit Rs.25,000/- He is ready to furnish the sureties of family members. Hence, the condition to deposit Rs.25,000/- may be modified.
4. While granting default bail to the petitioner, the trial court imposed condition to deposit Rs.25,000/- in District Legal Services Authority, Chennai. According to the prosecution, the petitioner is a daily wage worker and he is not in a position to deposit the

amount. Considering the reasons stated by the petitioner, this court is inclined to modify the condition.

5. (i) Petition is allowed.

(ii) The condition to deposit Rs.25,000/- in DLSA is deleted. The other conditions remain unchanged.

Delivered by me today in open court.

SS

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023

Crl.M.P.No.17406/2023

in

Crl.M.P.No.11949/2023

in

Crime No.100/2023

Kannan

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.Parthipan, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks modification of the condition imposed by this court in Crl.M.P.No.11949/2023, dt: 2.6.2023.
2. The petitioner was granted bail by this court in Crl.M.P.No.11949/2023, dated 2.6.2023 with condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.
3. Learned counsel for the petitioner submits that the petitioner has complied with the condition for the past 10 days by staying at Chennai. However, he had to go back to his native place to take care of his sick mother and thereafter, he could not come back to Chennai to pursue the condition. The petitioner is the only breadwinner of his family and hence, the condition may be modified and the petitioner may be directed to sign before the police station at Aruppukottai. The petitioner undertakes to appear before the trial court on receipt of summons.

4. Considering the reasons stated by the petitioner, this court is inclined to modify the condition as follows :

“The petitioner shall appear and sign before the Inspector of Police, Aruppukottai B-1 Town Police Station daily at 10.30 a.m. until further orders.”

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge
Friday, the 21st day of July, 2023.**

Crl.M.P.No.17407/2023

in

Crl.M.P.No.11576/2023

in

C.A.No.275/2023

in

C.C.No.681/2018

(on the file of the learned XIX Metropolitan Magistrate at Allikulam, Chennai)

1. Krishnaveni
2. B.N.Srinivasa Rao

.... Petitioners/Appellants/Accused

Vs.

Shymala

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.Bakiyaraj, L.Sathish Kumar, S.Thirugnanam, E.Brinda and K.Anand, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. Petitioners seek extension of time granted in Crl.M.P.No.11576/2023, dated 24.5.2023.

2. As per the order passed in Crl.M.P.No.11576/2023, dated 24.5.2023 this court suspended the sentence imposed on the petitioners with condition to deposit 20% of the compensation amount before the trial court within 60 days from the date of the order. Now, the present petition has been filed to extend the time.

3. According to the counsel for the petitioners, the petitioners are arranging money to deposit the 20% compensation amount by selling their property. Hence, the time may be extended.

4. Considering the reasons stated by the petitioners, this court is inclined to grant further time for two weeks to deposit the amount.

5. Petition is allowed and two weeks time till 4.8.2023 is granted to deposit the 20% of the compensation amount.

Delivered by me today in open court.

SS

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge
Friday, the 21st day of July, 2023.**

Crl.M.P.No.17408/2023

in

Crl.M.P.No.11603/2023

in

C.A.No.276/2023

in

C.C.No.9867/2017

(on the file of the learned XIX Metropolitan Magistrate at Allikulam, Chennai)

1. Krishnaveni

2. B.N.Srinivasa Rao

.... Petitioners/Appellants/Accused

Vs.

Uma

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.Bakiyaraj, L.Sathish Kumar, S.Thirugnanam, E.Brinda and K.Anand, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. Petitioners seek extension of time granted in Crl.M.P.No.11603/2023, dated 24.5.2023.

2. As per the order passed in Crl.M.P.No.11603/2023, dated 24.5.2023 this court suspended the sentence imposed on the petitioners with condition to deposit 20% of the compensation amount before the trial court within 60 days from the date of the order. Now, the present petition has been filed to extend the time.

3. According to the counsel for the petitioners, the petitioners are arranging money to deposit the 20% compensation amount by selling their property. Hence, the time may be extended.

4. Considering the reasons stated by the petitioners, this court is inclined to grant further time for two weeks to deposit the amount.

5. Petition is allowed and two weeks time till 4.8.2023 is granted to deposit the 20% of the compensation amount.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge
Friday, the 21st day of July, 2023.**

Crl.M.P.No.17409/2023

in

Crl.M.P.No.11641/2023

in

C.A.No.277/2023

in

C.C.No.9868/2017

(on the file of the learned XIX Metropolitan Magistrate at Allikulam, Chennai)

1. Krishnaveni
2. B.N.Srinivasa Rao

.... Petitioners/Appellants/Accused

Vs.

Uma

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.Bakiyaraj, L.Sathish Kumar, S.Thirugnanam, E.Brinda and K.Anand, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. Petitioners seek extension of time granted in Crl.M.P.No.11641/2023, dated 24.5.2023.

2. As per the order passed in Crl.M.P.No.11641/2023, dated 24.5.2023 this court suspended the sentence imposed on the petitioners with condition to deposit 20% of the compensation amount before the trial court within 60 days from the date of the order. Now, the present petition has been filed to extend the time.

3. According to the counsel for the petitioners, the petitioners are arranging money to deposit the 20% compensation amount by selling their property. Hence, the time may be extended.

4. Considering the reasons stated by the petitioners, this court is inclined to grant further time for two weeks to deposit the amount.

5. Petition is allowed and two weeks time till 4.8.2023 is granted to deposit the 20% of the compensation amount.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge
Friday, the 21st day of July, 2023.**

Crl.M.P.No.17410/2023

in

Crl.M.P.No.11645/2023

in

C.A.No.278/2023

in

C.C.No.682/2018

(on the file of the learned XIX Metropolitan Magistrate at Allikulam, Chennai)

1. Krishnaveni

2. B.N.Srinivasa Rao

.... Petitioners/Appellants/Accused

Vs.

R.Duraikannu

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.Bakiyaraj, L.Sathish Kumar, S.Thirugnanam, E.Brinda and K.Anand, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. Petitioners seek extension of time granted in Crl.M.P.No.11645/2023, dated 24.5.2023.

2. As per the order passed in Crl.M.P.No.11645/2023, dated 24.5.2023 this court suspended the sentence imposed on the petitioners with condition to deposit 20% of the compensation amount before the trial court within 60 days from the date of the order. Now, the present petition has been filed to extend the time.

3. According to the counsel for the petitioners, the petitioners are arranging money to deposit the 20% compensation amount by selling their property. Hence, the time may be extended.

4. Considering the reasons stated by the petitioners, this court is inclined to grant further time for two weeks to deposit the amount.

5. Petition is allowed and two weeks time till 4.8.2023 is granted to deposit the 20% of the compensation amount.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge
Friday, the 21st day of July, 2023.**

Crl.M.P.No.17412/2023

in

Crl.M.P.No.11719/2023

in

C.A.No.281/2023

in

C.C.No.82/2017

(on the file of the learned XIX Metropolitan Magistrate at Allikulam, Chennai)

B.N.Srinivasa Rao

.... Petitioner/Appellant/Accused

Vs.

Valli

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.Bakiyaraj, L.Sathish Kumar, S.Thirugnanam, E.Brinda and K.Anand, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. Petitioner seeks extension of time granted in Crl.M.P.No.11719/2023, dated 24.5.2023.

2. As per the order passed in Crl.M.P.No.11719/2023, dated 24.5.2023 this court suspended the sentence imposed on the petitioners with condition to deposit 20% of the compensation amount before the trial court within 60 days from the date of the order. Now, the present petition has been filed to extend the time.

3. According to the counsel for the petitioners, the petitioners are arranging money to deposit the 20% compensation amount by selling their property. Hence, the time may be extended.

4. Considering the reasons stated by the petitioners, this court is inclined to grant further time for two weeks to deposit the amount.

5. Petition is allowed and two weeks time till 4.8.2023 is granted to deposit the 20% of the compensation amount.

Delivered by me today in open court.

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023

CrI.M.P.No.1/2023

in

C.A.No.415/2023

in

C.C.No.3135/2017

(on the file of the Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai)

Promod Kalra,
Authorized Signatory of
M/s.Amar Deeps,
No.459/2, Mint Street,
Sowcarpet, Chennai-600079.

.... Petitioner/Appellant/Accused

Vs.

Rahul Kumar Singhi

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.A.Ilaya Perumal, M.Pachiyappan, R.Rajeshkrishnan and K.Thamizharasan, Counsel for the petitioner, 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 herein is the accused in C.C.No.3135/2017 on the file of the learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai. On 23.6.2023, judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act and sentenced to undergo one year Simple Imprisonment and to pay compensation of cheque amount within one month after equally deducting Rs.4 lakhs amount already been withdrawn by the complainant as per the order of the Hon'ble High Court, in default to pay the compensation, the petitioner was ordered to undergo 3 months S.I.

3. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

4. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The trial court suspended the sentence till the appeal period is over.

5. 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 60 days from the date of the judgment. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for a period of one year 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.

6. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the compensation amount.

7. 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 petitioner 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 Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai. Further the petitioner shall deposit 20% of the compensation amount to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.

8. The appeal has been made over to V Additional Sessions Court, Chennai.

9. The appeal is posted on 16.8.2023.

Delivered by me today in open court.

Principal Sessions Judge

Copy to
The Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai.

ss

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Friday, the 21st day of July, 2023

Crl.M.P.No.1/2023

in

C.A.No.416/2023

in

C.C.No.3136/2017

(on the file of the Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai)

Promod Kalra,
Authorized Signatory of
M/s.Amar Deeps,
No.459/2, Mint Street,
Sowcarpet, Chennai-600079.

.... Petitioner/Appellant/Accused

Vs.

Sobhag Devi Singhi,
represented by her son and
Power of Attorney Agent
Rahul Kumar Singhi.

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.A.Ilaya Perumal, M.Pachiyappan, R.Rajeshkrishnan and K.Thamizharasan, Counsel for the petitioner, 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 herein is the accused in C.C.No.3136/2017 on the file of the learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai. On 23.6.2023, judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act and sentenced to undergo one year Simple Imprisonment and to pay compensation of cheque amount within one month after equally deducting Rs.4 lakhs amount already been withdrawn by the complainant as per the order of the Hon'ble High Court, in default to pay the compensation, the petitioner was ordered to undergo 3 months S.I.

3. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

4. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The trial court suspended the sentence till the appeal period is over.

5. 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 60 days from the date of the judgment. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for a period of one year 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.

6. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the compensation amount.

7. 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 petitioner 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 Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai. Further the petitioner shall deposit 20% of the compensation amount to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.

8. The appeal has been made over to V Additional Sessions Court, Chennai.

9. The appeal is posted on 16.8.2023.

Delivered by me today in open court.

Principal Sessions Judge

Copy to
The Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai.

ss

IN THE COURT OF SESSIONS AT CHENNAI

**Present : Tmt.S.Alli, M.L.,
Principal Sessions Judge.
Friday, the 21st day of July, 2023**

Crl.M.P.No.17538/2023

in

C.A.No.417/2023

in

C.C.No.3377/2016

(on the file of the Metropolitan Magistrate, FTC-V, Saidapet, Chennai)

1. M/s.Sri Annapoorani Amman Travels And Goods Carrier,
rep. By its Proprietor, L.Abirami.
2. L.Abirami, Proprietor,
Sri Annapoorani Amman Travels And Goods Carrier,
Both are at Shri Annapoorani Illam,
Plot No.1 9C, 2nd Street,
Iswaryam Nagar, Kundrathur,
Chennai -600 069. Petitioners/Appellants/Accused

Vs.

K.Jegannath Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.Ramesh Venkatachalapathy, B.Sanjay Balachandar, T.Sriram and P.Manikandan, Counsel for the petitioner, 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 herein is the accused in C.C.No.3377/2016 on the file of the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai. On 22.6.2023, judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act and sentenced to undergo 8 months Simple Imprisonment and to pay compensation of cheque amount of Rs.10,00,000/-, in default, to undergo 3 months S.I.
3. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.
4. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The trial court suspended the sentence till 21.7.2023.

5. 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 60 days from the date of the judgment. As already stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for a period of 8 months 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.

6. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the compensation amount.

7. 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 petitioner 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 Metropolitan Magistrate, FTC-V, Saidapet, Chennai. Further the petitioner shall deposit 20% of the compensation amount to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.

8. The appeal has been made over to VI Additional Sessions Court, Chennai.

9. The appeal is posted on 16.8.2023.

Delivered by me today in open court.

Principal Sessions Judge

Copy to
The Metropolitan Magistrate, FTC-V, Saidapet, Chennai.

ss

IN THE COURT OF SESSIONS AT CHENNAI

**Present : Tmt.S.Alli, M.L.,
Principal Sessions Judge.
Friday, the 21st day of July, 2023**

Crl.M.P.No.17540/2023

in

C.A.No.418/2023

in

C.C.No.3378/2016

(on the file of the Metropolitan Magistrate, FTC-V, Saidapet, Chennai)

1. A.R.N.Lakshmanan
 2. L.Abirami
- Petitioners/Appellants/Accused

Vs.

K.Jegannath

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.Ramesh Venkatachalapathy, B.Sanjay Balachandar, T.Sriram and P.Manikandan, Counsel for the petitioner, 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 herein is the accused in C.C.No.3378/2016 on the file of the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai. On 22.6.2023, judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act and sentenced to undergo 8 months Simple Imprisonment and to pay compensation of cheque amount of Rs.5,00,000/-, in default, to undergo 3 months S.I.

3. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

4. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The trial court suspended the sentence till 21.7.2023.

5. 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 60 days from the date of the judgment. As already

stated supra, the petitioner/appellant/accused was ordered to undergo simple imprisonment for a period of 8 months 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.

6. Considering the above facts and the value of the compensation amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the compensation amount.

7. 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 petitioner 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 Metropolitan Magistrate, FTC-V, Saidapet, Chennai. Further the petitioner shall deposit 20% of the compensation amount to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.

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