

IN THE COURT OF SESSIONS AT CHENNAI

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

**Principal Sessions Judge.**

**Friday, the 8<sup>th</sup> day of September, 2023**

**CrI.M.P.No.1/2023**

**in**

**C.A.No.533/2023**

**in**

**C.C.No.2973/2021**

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

T.Pukazhendhi

... Petitioner/Appellant/Accused

Vs.

S.Harimuthu

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.Dr.R.Meenakshisundaram, A.Viswanathan, A.J.Athirai and Abbiraami, 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.2973/2021 on the file of the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai. On 9.8.2023 judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act he was sentenced to undergo 9 months Simple Imprisonment and to pay the cheque amount of Rs.8,00,000/- as compensation to the complainant, in default, to undergo simple imprisonment of three months.

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 8.9.2023.

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 9 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 V Additional Sessions Court, Chennai.

9. The appeal is posted on 25.9.2023.

Delivered by me today in open court.

**S ALLI**

Digitally signed by S  
ALLI  
Date: 2023.09.08  
17:55:33 +0530

**Principal Sessions Judge**

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

SS