

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

Present: Thiru. Swarnam J. Natarajan, M.L.,
Principal Sessions Judge, Tiruppur.

Thursday, the 13th day of October, 2022

Cr.M.P.No.1943 /2022

in

C.A. 137 /2022

Karthikeyan (35)

S/o.Mohan

....Appellant /Accused

Vs.

1. Govindharaj (34)

S/o.R.Kaliraj.

2. The Public Prosecutor

....Respondents/ Complainants

This petition coming on this day for final hearing before me in the presence of Tr.K.Gopalakrishnan, Advocate for the petitioner and Thiru.S.Kanagasabapathy, Public Prosecutor for the State, after hearing both sides and perusing the records, this court delivers the following :

ORDER

1. This petition has been filed u/s 389 (1) Cr.P.C for suspension of sentence imposed on the petitioner by the trial Court.

2. It has been stated in the petition that the petitioner has been convicted by the Judicial Magistrate, Palladam for an offence punishable u/s. 138 Negotiable Instruments Act in S.T.C.No.690/2018 on 09.09.2022 and he has been sentenced to undergo 11 months simple imprisonment and directed to pay the cheque amount to the complainant within two months u/s. 357(3) of Cr.P.C, in default of payment of compensation amount to undergo further 3 months simple imprisonment run consecutively. No fine

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was imposed. The trial court was please to suspend the sentence till 07.10.2022. The petitioner is having valid chance of success in the appeal. In the said circumstances, unless the sentence and conviction passed by the trial Court in STC.No.690/2018 dated 09.09.2022 is suspended, the petitioner will be put into great loss and hardship and hence prays for suspension of sentence till the disposal of the appeal. The trial Court has suspended the sentence of the accused by invoking powers u/s. 389(3) of Cr.P.C. Considering the reasons stated in the grounds of appeal, this Court is inclined to suspend the sentence imposed by the trial Court, on the following condition.

In the result, the sentence imposed on the petitioner is suspended till the disposal of the appeal on condition that the petitioner execute a bond for Rs.10,000/- with 2 sureties each for the like sum to the satisfaction of the Judicial Magistrate, Palladam and with a further condition that the petitioner shall deposit 20% of the cheque amount awarded by the trial Court within 15 days from the date of this order, on failure to do so, the petition shall stand dismissed. The trial Court should ensure that the 20% compensation deposit is paid by the petitioner within the time stipulated, if not the trail Court has to report the non - compliance and shall proceed further to secure the accused.

Appellant should appear on all hearing dates before the appellate Court and on his failure to appear he will be secured on NBW. He shall appear on all hearing dates and shall co-operate for the early disposal of the appeal.

Given by me, this the 13th day of October, 2022.

Principal Sessions Judge,
Tiruppur.

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Principal District Judge, Tiruppur

Copy to:

1. The Judicial Magistrate, Palladam.
2. The Public Prosecutor, Tiruppur.
3. Counsel for the accused.