

IN THE COURT OF PRINCIPAL SESSIONS JUDGE DINDIGUL



PRESENT: Tmt. A. MUTHUSARATHA, B.L., P.G.D.P.M
Principal Sessions Judge, Dindigul.Dindigul.

Wednesday, the 29th day of April 2026.

CrI.M.P. No.956/2026 in C.A. - /2026
CNR No.TNDG01-002284-2026

Vengadavaradhan,53/2026
S/o.Mathanagopal

: Appellant/Accused

/vs/

1.Abusekman,59/2026

S/o.Kaja Sikkanthar

.. Respondent/Complainant

2.The Public Prosecutor,
Dindigul.

This petition came before this Court for final hearing today in the presence of Thiru.P.Satheeshkumar, learned Counsel for the petitioner and of Thiru.P.Mahendran learned Public Prosecutor for the respondent and heard either side and perusing all the records, this Court delivered the following.....

ORDER

The petitioner/accused has challenged the legality of the conviction and sentence imposed in S.T.C. No.2166/2023 by the learned Judicial Magistrate No.I, Dindigul on 18.3.2026 for the offence under Section 138 of N.I. Act and sentenced to undergo S.I. for six months and to pay a sum of Rs.16,50,000/- towards compensation within 30 days from the date of judgement, in default to undergo further period of S.I. for two months. The petitioner/accused has filed the above petition u/s. 430(1) of BNSS 2023 to suspend the of sentence imposed on him till the disposal of the appeal.

The learned counsel for the petitioner/accused submitted that the accused was convicted for the offence punishable U/s. 138 of N.I. Act, that the petitioner/accused has regularly appeared before the trial Court, but, due to illness, on the date of Judgement, the petitioner unable to attend the Court, the trial Court issued NBW and pronounced conviction Judgment, that as per order of this Hon'ble Court order dated 18.4.2026, the petitioner was surrendered before the learned Jurisdictional Magistrate Court and furnished sureties, that he is

having arguable points in the appeal and he prays to suspend the sentence till the disposal of the appeal. He has further reported that the matter was settled as compromise. Hence this Court passed order for appearance of both parties. But, sufficient time given, both parties were not present before this Court. Hence, this Court decided to pass order on merits.

Heard. Records perused. The accused was convicted and sentenced to undergo S.I. for six months and to pay a sum of Rs.16,50,000/- towards compensation within 30 days from the date of judgement, in default to undergo further period of S.I. for two months. On perusal of records reveals that on the date of judgement, since the petitioner was absent, the trial Court issued NBW and pronounced conviction Judgment, afterwards aggrieved by the trial Court judgement passed in S.T.C. No.2166/2023, this petitioner/accused filed a criminal appeal before this appellate court and then surrendered before this Court. Considering the nature of the case, the petitioner was directed to appear before the Jurisdictional Magistrate concerned with sureties. Report received from the trial Court about the surrender of the petitioner/accused. It is further revealed that the petitioner/accused did not deposit any amount before the trial court and there is no proof of compromise as alleged. In this circumstance, considering the above aspects and on considering the fact that the compensation amount not paid by the accused till now, this Court is of the view that evidence has to be appreciated for adjudication in the appeal and on considering the facts and circumstances of the case, this Court is inclined to allow this petition subject to the following condition:

The petitioner/accused is directed to deposit 10% of the cheque amount before the learned Judicial Magistrate No.I, Dindigul on or before 2.6.2026 and on deposit of such amount and on production of acknowledgment for payment this petition will be decided on merits. Call on 3.6.2026.

Pronounced by me in open Court this the 29th day of April 2026.

**Principal Sessions Judge,
Dindigul.**

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The Judicial Magistrate, No.I, Dindigul.

The Public Prosecutor, Dindigul.

Thiru.P.Satheeshkumar, Counsel for the petitioner.

} They are requested to download this order
from the above said official web site link.