



IN THE COURT OF SESSIONS JUDGE OF THE NILGIRIS DISTRICT
AT UDHAGAMANDALAM.

**Present: A.Muraleetharan, M.A., B.L.,
Sessions Judge,
Udhagamandalam.**

Wednesday, the 17th day of June, 2026

Crl.M.P. No.435/2026

in

C.A. No.53/2026

in S.T.C.No.692/2018, dated 24.07.2025 on the file of Principal District
Munsif-cum-Judicial Magistrate, Gudalur.

Offence: **U/s. 138 NI Act**

(Simple Imprisonment for a period of Ten Months and to pay
compensation of Rs.1,74,500/- (Rupees Three Lakhs only) within one
month from date of judgment, i.d. SI two months. No fine was imposed)

R.Ramasamy (Age 67),
S/o.Ramaiya.

... Appellant/Accused

**1. M/s.The Gudalur Public Servant's
Co-operative Stores Limited,
Gudalur Bazaar, Gudalur
Represented by its sales Person
Mr.Jayasilambaram.**

**2. State rep by the Public Prosecutor,
The Nilgiris.**

... Respondents/ Complainant and State

This petition is coming before me for hearing today in the presence of Mr.A.N.Xavier, learned Counsel for the appellant and of Thiru.G.Anandhan, learned Public Prosecutor for respondent and after hearing both sides this Court passes the following;

ORDER

This Criminal Miscellaneous Petition is filed u/s 138 NI Act, suspend the sentence of imprisonment and compensation imposed on the petitioner/appellant/accused in S.T.C.No.692/2018 dated 24.07.2025 by the Principal District Munsif-cum-Judicial Magistrate, Gudalur.

2. The petitioner has filed the Criminal Appeal in C.A.No.53/2026, challenging the said Judgment. Pending appeal the petitioner moves this Criminal Miscellaneous petition for suspension of sentence.

3. The learned counsel for the appellant submitted that the petitioner has good case to put forth in appeal, unless the sentence imposed on the petitioner is suspended pending disposal of the appeal, the petitioner will be put to great loss and hardship and accordingly prayed for suspension of sentence till the disposal of the appeal.

4. Heard the learned petitioner counsel and the learned Public Prosecutor. The petitioner has preferred the appeal against the judgment

and sentence passed by the trial court and considering the grounds urged in the appeal and submissions made by the learned counsel for the petitioner in support of the grounds of appeal, this court is of the view that there are some points for consideration in the appeal and so, this court is inclined to allow this petition subject to the following conditions,

(i). that the execution of substantial sentence of imprisonment passed in S.T.C.No.692/2018 dated 24.07.2025 by the Principal District Munsif-cum-Judicial Magistrate, Gudalur alone is suspended till the disposal of the appeal on condition,

(ii). that the Petitioner/Appellant/Accused shall deposit a sum of Rs.17,450/- .(towards 10% of cheque amount) before the Principal District Munsif-cum-Judicial Magistrate, Gudalur within 30 days from the date of this order.

(iii). the appellant after depositing the above said deposit amount before the trial court, is ordered to surrender before the trial court on or before 17.07.2026 and in such event he is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- along with two sureties for a like sum each to the satisfaction of the Principal District Munsif-cum-Judicial Magistrate, Gudalur.

(iv). that in the event of any deviation on the part of the appellant, the Principal District Munsif-cum-Judicial Magistrate, Gudalur is required

to issue appropriate Warrant after the expiry of 30 days to secure the accused and enforce the judgment.

Pronounced by me in open Court, this the 17th day of June, 2026.

Sessions Judge,
Udhagamandalam.

Copy to:

1. The Principal District Munsif-cum-Judicial Magistrate, Gudalur.
2. Mr.A.N.Xavier, Counsel for the petitioner.