



IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THENI.

**Present : Thiru. Swarnam J. Natarajan, M.L.,**

Principal Sessions Judge, Theni.

Thursday, this the 27<sup>th</sup> day of March - 2025

**M.P.No.01/2025 - In -**

**C.A.No.38/2025**

**CNR.No.TNTH01-001060-2025**

|                      |            |                               |
|----------------------|------------|-------------------------------|
| Sakthivel Sathasivam | ...        | Petitioner/Appellant /Accused |
|                      | <b>Vs.</b> |                               |
| Murugesan            | ...        | Respondent/ Complainant       |

This petition coming on this day for final hearing before me in the presence of Thiru. K. Ajmalkhan, Advocate for the petitioner and Thiru. P. Baskaran, 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.430(1) B.N.S.S., 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, (FTC) (ML), Uthamapalayam** for an offence punishable u/s.138 Negotiable Instruments Act in **S.T.C.No.182/2023 on 28.02.2025** and he has been sentenced to undergo six months simple imprisonment and directed to pay a compensation of Rs.9,00,000/- to the complainant. The trial court was pleased to suspend the sentence. 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 **S.T.C.No.182/2023, dated 28.02.2025** 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. Memo has been filed by the petitioner counsel to that effect that he is willing to deposit 20% of the compensation amount by recording the said memo and on perusal of the grounds of appeal. Therefore, this Court is inclined to suspend the sentence by taking into consideration the fact that the appellant was all along on bail and the sentence was suspended by the trial Court and he was regularly appearing. 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, **this petition is allowed** and 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 two sureties each for the like sum to the satisfaction of the **Judicial Magistrate, (FTC) (ML), Uthamapalayam** and with a further condition that the petitioner shall deposit 20% of the compensation awarded by the trial Court within 30 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 trial 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 27<sup>th</sup> day of March - 2025.

**Principal Sessions Judge,  
Theni.**

**Copy to :-**

1. The Judicial Magistrate (FTC)(ML), Uthamapalayam.
2. The Public Prosecutor, Theni.
3. Counsel for the accused.