



IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THENI.

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

Principal Sessions Judge, Theni.

Tuesday, this the 17th day of December - 2024

M.P.No.01/2024 - In -

C.A.No.187/2024

CNR.No.TNTH01-004697-2024

Moovendan
S/o. Nagaraj

... Petitioner/Appellant /Accused

Vs.

Gowtham
S/o. Pandian

... Respondent/ Complainant

This petition coming on this day for final hearing before me in the presence of Thiru. M. Prabakaran, after hearing the petitioner and perusing the records, this court delivers the following :

ORDER

1. This petition has been filed u/s.430(1) of 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.29/2024 on 15.11.2024 and he has been sentenced to undergo one year simple imprisonment. No fine was imposed. 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.29/2024, dated 15.11.2024 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. 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** within 30 days from the date of this order, on failure to do so, the petition shall stand dismissed.



Appellant should appear on all hearing dates before the appellate Court and on her 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 17th day of December - 2024.

Sd/- Swarnam J. Natarajan,
Principal Sessions Judge,
Theni.

/t.c.f.b.o/

Sheristadar,
Principal District Court,
Theni.

Copy to :-

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