

In the court of the Principal Sessions Judge, Tiruppur

Present: Thiru. N.Gunasekaran, M.B.A., B.L.,
Principal Sessions Judge, Tiruppur.

Monday, the 12th day of August, 2024

M.P. No. 1/ 2024

in

C.A. No. 187 / 2024

(CNR No.TNTI18 001905 2024)

A.Govindaraj, 52
S/o. Arumugam

.. Petitioner/Appellant/Accused

.Vs.

1. A.Venkatachalam, 67 Years,
S/o. Arumuga Mudaliar

.. 1st respondent / Complainant

2. The State of Tamil Nadu Represented by
The Public Prosecutor, Tiruppur

.. 2nd Respondent

On 07.08.2024, this Petition came before this Court for the final hearing in the presence of Thiru.J.Sriram, Advocate for the Petitioner/Appellant /Accused, Thiru.A.R.Velliangiri, Advocate for the Respondent / Complainant and Thiru.S.Kanagasabapathy, Public Prosecutor for the State, after hearing both side and perusing the records, this Court delivers the following:

ORDER

1. Petition filed by the Petitioner/Appellant/Accused Under Section 389(1) of Cr.P.C. to suspend the sentence imposed upon the Appellant/Accused by the learned Judicial Magistrate, Fast Track Court at

12.08.2024

Principal Sessions Judge, Tiruppur

Magisterial Level, Tiruppur in S.T.C.No.2478/2021, dated: 01.04.2024 until the disposal of the Appeal.

2. In contra, the learned Counsel for the 1st respondent/complainant would raise objection through a counter statement by stating that the appeal is filed by the petitioner only to delay the legal process and avoid liability. If the sentence is suspended, it will cause a great hardship to the respondent. Hence, the petition may be dismissed.

3. Heard Both Side. Records Perused.

4. The 1st Respondent has filed S.T.C.No.2478/2021, Under Section 138 Negotiable Instrument Act before the Judicial Magistrate Fast Track Court at Magisterial Level, Tiruppur against the Accused. Judgment has been passed on 01.04.2024 sentencing the Petitioner to undergo six months Simple Imprisonment and also directing the Petitioner to pay Rs.15,00,000/- as Compensation to the 1st Respondent Under Section 357(3) Cr.P.C. and in default to undergo further one Month Imprisonment. The Trial Court has suspended sentence till 30.04.2024. The Petitioner is ready to Deposit 20% of the Compensation Amount and abide any condition imposed by this Court. Memo also filed to that effect and the learned counsel for the respondent has also made an endorsement as no objection to allow this petition. In the above facts and circumstances, this Court holds that the sentence could be suspended if the Petitioner deposit 20% of the Compensation amount within a period of 15 days.

In the result, this Petition is Allowed and the sentence imposed on the Petitioner is suspended till the disposal of the Appeal and the Petitioner is released on bail on condition that the Petitioner executing a bond for Rs.10,000/- with two Sureties each for the like sum to the satisfaction of

the Judicial Magistrate Fast Track Court, Tiruppur and with a further condition that the Petitioner shall deposit 20% of the Compensation Amount awarded by the Trial Court within 15 days from the date of this Orders and on failure, the Petition shall stand Dismissed.

The Petitioner shall appear on all hearing dates before the Appellate Court and shall cooperate for the early disposal of the Appeal.

Given by me, this the 12th day of August, 2024.

**Principal Sessions Judge,
Tiruppur.**

Copy to:

1. The Judicial Magistrate at Magisterial Level Court, Tiruppur
2. The Public Prosecutor, Tiruppur.
3. Counsel for the accused.