

In the court of the Principal Sessions Judge, Tiruppur

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

Monday, the 30th day of June, 2025

M.P. No. 1/ 2025

in

C.A. No. 96 / 2025

Chithra,

W/o. Jayachandran

... Petitioner/Appellant /Accused

Vs.

P.Saraswathy

W/o.Late Palanisamy

... Respondent / Complainant

This Petition came before this Court for the final hearing in the presence of Thiru.V.Anandan, Advocate for the Petitioner and Thiru.K.Gopalakrishnan, Advocate for the Respondent, and after hearing both sides and perusing the records, this Court delivers the following:

ORDERS

- 1.** Petition filed by the Petitioner / Appellant / Accused Under Section 430 (1) B.N.S.S to suspend the sentence imposed upon the Appellant / Accused by the learned Judicial Magistrate, Palladam in STC.No.1048/2016, dated: 8.4.2025 till the disposal of the Appeal.
- 2.** Notice issued to the Respondent and appeared through counsel and endorsement made as no objection in allowing of petition with conditional order with deposit of 20 % of cheque amount.

3. Heard. Records Perused.

4. The Respondent has filed STC.No.1048/2016, Under Section 138 Negotiable Instrument Act before the learned Judicial Magistrate, Palladam against the Petitioner. Judgment has been passed on 8.4.2025 sentencing the Petitioner to undergo Six Months Simple Imprisonment and also directing the Petitioner to pay Rs.5,10,000/- as Compensation to the Respondent Under Section 357(3) Cr.P.C. and in default to undergo further One Month Simple Imprisonment. The Trial Court has suspended sentence till 8.5.2025 as per the order in Cr.M.P.No.1204/2025; dated:8.4.2025. The Petitioner has filed the present Petition Under Section 430 (1) BNSS for suspension of sentence imposed by the Trial Court. The counsel for the petitioner had made an endorsement as he is ready to deposit 20% of cheque amount. The Counsel for the Respondent has also endorsed that no objection in allowing of petition with conditional order with deposit of 20 % of cheque amount. In the above facts and circumstances, this Court holds that the sentence could be suspended if the Petitioner deposit 20% of the cheque amount within a period of 15 days.

5. 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 for the learned Judicial Magistrate, Palladam and with a further condition that the Petitioner shall deposit 20% of the Cheque Amount awarded by the Trial Court within 15 days from the date of this Orders and on failure, the Petition shall stand Dismissed.

6. 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 30th day of June, 2025.

Principal Sessions Court,
Tiruppur.

Copy to:

1. The learned Judicial Magistrate,
Palladam.
2. Counsel for the Accused.
3. Counsel for the Respondent
4. The Secretary, District Legal Services Authority, Tiruppur
through e-mail.
5. The Superintendent, Central Prison, Coimbatore through e-mail

(As per the Circular of Hon'ble High Court of Madras in
R.O.C.No.16380-A/2025/F1, P.Dis.No.53/2025, dated:25.04.2025).