

In the court of the Principal Sessions Judge, Tiruppur

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

Saturday, the 1st day of February, 2025

M.P. No. 1/ 2024

in

C.A. No. 323 / 2024

(CNR No.TNTI18 004983 2024)

A.Angamuthu,
Prop. M/S. Abbi Creations,
S.F.No.527/3, Konganagiri main road
College Road, Tiruppur

.. Petitioner/Appellant/Accused

.Vs.

M/S. K.P.R. Mill Ltd.,
No.270J, Periyar Colony
Anupparpalayam
Tiruppur – 641 652
Represented by Marketing Officer
A.Govindarajan, 31/2018
S/o.A.Annamalai,
No.270J Periyar Colony,
Anupparpalayam,
Tiruppur – 641 652.

.. Respondent / Respondent/ Complainan

This Petition came before this Court for the final hearing in the presence of Thiru.S.Veerasekaran, Advocate for the Petitioner/Appellant/Accused and Thiru.N.V.Giri, Advocate for the Respondent, after hearing both side and perusing the records, this Court delivers the following:

1.2.2025

Principal Sessions Judge, Tiruppur

ORDER

1. Petition filed by the Petitioner/Appellant/Accused Under Section 430 (1) of BNSS to suspend the sentence imposed upon the Appellant/Accused by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruppur in STC No.240/2018, dated:21.10.2024 until the disposal of the Appeal.
2. Heard. Records Perused.
3. The Respondent has filed STC No.240/2018 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 21.10.2024 sentencing the Petitioner to undergo six months Simple Imprisonment and also directing the Petitioner to pay the cheque amount of Rs.58,83,692/- 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 21.11.2024. The Counsel for the Respondent has made an endorsement as this petition may be allowed on Deposit 20% of the Compensation Amount awarded by the Trial Court. 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 at Magisterial Level, 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 1st day of February, 2025.

Principal Sessions Judge,
Tiruppur.

Copy to:

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