

IN THE COURT OF IVth ADDITIONAL DISTRICT JUDGE, UDUMALPET.

PRESENT: Thiru.C.Rajalingom, B.A., B.L.,

IVth Additional District Judge, Udumalpet.

Tuesday, the 8th day of April, 2025

Cr.M.P.No. 1 / 2025

in

C.A.No.51 of 2025

Babu

..... Petitioner/Appellant /Accused

Vs.

Marudamuthu

... Respondent /Complainant

This Petition came before this Court for the final hearing today in the presence of Thiru.S.Sureshkumar, Advocate for the Petitioner/Appellant/ Accused and Thiru.A.Ramalingam, Additional 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) of Barathiya Nagarik Suraksha Sanhita 2023 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 District Munsif Cum Judicial Magistrate Madathukualam for the offence punishable under section 420 of IPC in C.C.No.84/2021 on 27.01.2025 and he has been sentenced to undergo three years Simple imprisonment and to pay fined for Rs.10,000/- and in default to under go the simple imprisonment for the period of another six months. The sentence imposed has been suspended by the District Munsif cum Judicial Magistrate, Madathukulam court until 26.02.2025. The petitioner paid the fine amount of Rs.10,000/- before the trial court on 27.01.2025. The 08.04.2025

IV ADJ, UDT

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 C.C.No.84/2021 on 27.01.2025 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. The trial court has suspended the sentence of the accused by invoking powers u/s 430 (1) of Barathiya Nagarik Suraksha Sanhita 2023. 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, the sentence imposed on the petitioner is suspended till the disposal of the appeal on condition that the petitioner execute a bond for Rs.20,000/- with 2 sureties each for the like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Madathukulam and that the petitioner and the sureties shall affix the photographs and L.T.I in the surety affidavit by the trial Court on or before 28.04.2025 from the date of this order, on failure to do so, the petition shall stand dismissed. 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 appellant court and on his failure to appear they will be secured on NBW. They shall appear on all hearing dates and shall co-operate for the early disposal of the appeal.

Given by me, this the 8th day of April 2025.

IVth Additional District Judge,
Udumalpet.

Copy to:

1. The District Munsif cum Judicial Magistrate, Madathukulam.
2. The Additional Public Prosecutor, Udumalpet.
3. Counsel for the Petitioner/Appellant/Accused

08.04.2025

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