

**IN THE COURT OF IVth ADDITIONAL DISTRICT JUDGE, UDUMALPET.
PRESENT: Thiru.M.Nambirajan, B.A., B.L.,**

IVth Additional District Judge, Udumalpet.

Saturday, the 6th day of June, 2026

**M.P.No. 1 / 2026
in
C.A.No. 74 of 2026**

A. Palanisamy(age 63),
S/o. Arumugagounder

... Petitioner/Appellant /Accused

Vs.

P. Sivakumar (age 56),
S/o. Palanisamy Gounder

... Respondent /Complainant

This Petition came before this Court for the final hearing today in the presence of Thiru.M.Balakrishnan, 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, Madathukulam, for the offence punishable under section 138 of NI Act in S.T.C.No. 167 of 2021 on 11.05.2026 and he sentenced to undergo simple imprisonment for the period of one year and directed to pay a sum of Rs.6,00,000/- as compensation amount to the respondent u/s 357(3) of Cr.P.C, and in default of payment of compensation amount to undergo 2 months simple imprisonment. 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. 167 of 2021 on 11.05.2026 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. 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.

3. In the result, i) 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 2 sureties each for the like sum to the satisfaction of the District Munsif cum Judicial Magistrate Madathukulam and with a further condition that the petitioner shall deposit 20% of the cheque amount awarded by the trial Court on or before 29.06.2026 from the date of this order, on failure to do so, the petition shall stand dismissed. The trial court should ensure that the 20% compensation deposit is paid by the petitioner within the time stipulated, if not the trial court has to report the non-compliance and shall proceed further to secure the accused.

ii) Appellant should appear on all hearing dates before the appellant court and on his 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.

Pronounced by me, this the 6th day of June 2026.

IVth Additional District Judge,
Udumalpet.

Copy to:

IVth ADJ, UDT

1. The District Munsif cum Judicial Magistrate Madathukulam.
2. The Additional Public Prosecutor, Udumalpet.
3. Counsel for the Petitioner/Appellant/Accused
M.Balakrishnan, B.Com.BL., No.2, MM.Chambers,
Thennampalayam Extension, Main Street, Tiruppur – 641 604.