

**IN THE COURT OF IV<sup>th</sup> ADDITIONAL DISTRICT JUDGE, UDUMALPET.  
PRESENT: Thiru.M.Nambirajan, B.A., B.L.,**

IV<sup>th</sup> Additional District Judge, Udumalpet.

**Friday, the 19<sup>th</sup> day of September, 2025**

**Cr.M.P.No.1 / 2025**

**in**

**C.A.No. 140 of 2025**

A.Rajeshwari, (46 years),  
W/o. Ashok Kumar

... Petitioner/Appellant /Accused

**Vs.**

1. S.Sasikala, (46 years),  
W/o. Sivanatham,

2. The State Represented by  
The Additional Public Prosecutor, Udumalpet

... Respondent/Respondent /Complainant

This Petition came before this Court for the final hearing today in the presence of Thiru.A.M.Nissar Babu, 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 Judicial Magistrate Court No.1, Udumalpet for the offence punishable under section 138 of NI Act in S.T.C.No.272 of 2019 on 24.07.2025 and directed to pay the Cheque amount of Rs.3,90,000/- as compensation amount to the respondent u/s 357(3) of Cr.P.C, in default of payment of compensation amount to undergo 3 months of simple

imprisonment. No fine was imposed. The trial court was pleased to suspend the sentence till 22.08.2025. 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.272 of 2019 on 24.07.2025 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 389(3) of Cr.P.C. 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, 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 Judicial Magistrate No.I, Udumalpet and with a further condition that the petitioner shall deposit 20% of the cheque amount awarded by the trial Court on or before 22.10.2025 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.

Appellant should appear on all hearing dates before the appellant court and on his failure to appear they 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 19<sup>th</sup> day of September 2025.

Sd/-M.Nambirajan  
IV<sup>th</sup> Additional District Judge,  
Udumalpet.

**Copy to:**

1. The Judicial Magistrate No.I Court, Udumalpet.
2. The Additional Public Prosecutor, Udumalpet.
3. Counsel for the Petitioner/Appellant/Accused  
A.M.Nissar Babu, No.424, Venkateshapuram,  
OMS Hospital Back side, Veerapandi Pirivu,  
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