

IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUVANNAMALAI

PRESENT: Thiru.P.Mathusuthanan, B.A.B.L.,
Principal Sessions Judge,
Tiruvannamalai.

Saturday, the 02nd day of March- 2024

Miscellaneous Petition No.1/2023 in C.A.28/2024 in
CNR.No.TNTM01-000947-2024

Arumugam S/o.Balakrishnan ... Petitioner/Accused
/Vs/
V.Sundhararajan S/o. Varatharajan ... Respondent/Complainant

This petition is coming before me on this day for hearing in the presence of Thiru.K.Alakendran, Advocate for the petitioner after hearing the petitioner side and on perusal of available records, this court passed the following....

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner u/s 389(1) of CrI.P.C., praying to suspend the sentence imposed on him by the learned **Judicial Magistrate, Fast Track Court (ML) Tiruvannamalai, in STC 06/2023 dated 30.01.2024**

Heard both sides. Perused the records.

The Learned Counsel for the petitioner submits that the petitioner was on bail during the time of trial and interim suspension of sentence has been ordered by the trial court and further submits that the petitioner has a good chance of success in the appeal and also ready to furnish sufficient sureties and prays for suspension of sentence and compensation imposed on him by the trial court till the disposal of the appeal.

On perusal of the judgment of the trial court, it reveals that the petitioner was found guilty u/s 138 of Negotiable Instrument Act and sentenced to undergo S.I. for 6 months and to pay a compensation of Rs.9,27,000/- u/s.357(3) of Cr.P.C in default to undergo S.I. for within 2 months. Aggrieved with the above said Judgment, the petitioner has preferred a Criminal Appeal before this Court and the same is taken on file in C.A.No.28/2024. It is further revealed from the judgment that no fine amount has been imposed on the petitioner and the petitioner was on bail throughout the trial

period and the sentence was suspended by the trial court u/s 389(3) CrI.P.C.

By considering all these facts and circumstances of the case, this court is inclined to grant **interim suspension of sentence till 02.04.2024** to the petitioner with the following conditions:-

In the result, the petitioner is directed to execute a personal bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Fast Track Court, (ML) Tiruvannamalai** and also depositing of 20% on the compensation award which comes to Rs.1,85,400/- (Rs.9,27,000/- x 20/100 = Rs.1,85,400/-) as required u/s 148(1) of N.I. Act before the above said Jurisdictional Magistrate as per sec.148(2) of N.I.Act.

On the compliance of the above said two conditions within 30 days from the date of this order, the operation of the sentence of imprisonment and balance compensation amount of Rs.7,41,600/- shall remain suspended till the disposal of the appeal, failing which, this order stands cancelled automatically.

Further, the petitioner is directed to appear before this Court at 10.30 A.M. on 02.04.2024 and thereafter on subsequent hearing dates without fail.

This petition is posted to 02.04.2024 for enquiry before this Court with regard to extension of interim suspension bail.

Pronounced by me in open Court, on this the 02nd day of March- 2024.

Principal Sessions Judge,
Tiruvannamalai.

Copy to

The learned Judicial Magistrate, Tiruvannamalai
The Counsel for the petitioner.