

**IN THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALLI**

Present : **Thiru.B. Saravanan, B.Sc., B.L.,**
II Additional District & Sessions Judge,
Tiruchirappalli.

Monday, the 21st day of April, 2025

Cr.M.P.No.01/2024 in Criminal Appeal No.102/2024

R.Kamala, W/o. Rajendran,
1/170, Main Road,
Manakkal village,
Lalgudi Tk, Trichy Dt.

... Petitioner/Appellant/Accused

/Vs/

P.Kokila,
W/o. Panneerselvam,
1/20, Main Road,
Manakkal village,
Lalgudi Tk, Trichy Dt.

... Respondent/Complainant

This petition was coming up before me on 16.04.2025 for final hearing in the presence of Thiru.S.Vithya Shankar, Advocate for the Petitioner/Appellant and in the presence of Thiru.P.Mathiyalagan, Advocate for the Respondent/Complainant and upon perusing the petition, objection and documents on record and upon hearing the arguments of both side, having stood over the consideration till this day, this court delivers the following,

ORDER

1. This petition is filed by the Petitioner/Appellant under Section 430(1) of BNSS to suspend the sentence imposed by the learned Judicial Magistrate, Lalgudi in S.T.C. No.32/2016, dated 15.07.2024.

2. The Petitioner/Appellant is the accused before the learned Judicial Magistrate, Lalgudi in S.T.C. No.32/2016 by way of the judgment dated 15.07.2024, the learned Judicial Magistrate, Lalgudi has convicted the Petitioner/Appellant u/s 138 of NI Act and sentenced the Petitioner/Appellant to undergo Simple Imprisonment for One year and to pay a sum Rs.3,00,000/- (Rupees Three Lakhs Only) as compensation to the respondent/complainant within six months in default of payment of the compensation, the accused shall undergo a further period of 3 month Simple imprisonment. Challenging the conviction judgment and sentence, the above appeal is filed before this court.

3. The learned counsel for the Petitioner/Appellant/accused would submit that trial court judgment is not correct and the same against law and the petitioner/appellant is having good case in this appeal and the appellant is having merits in this appeal and he have filed appeal before this court. The sentence was suspended for one month until 15.08.2024 in Cr.M.P.No.2669/2024 on 15.07.2024. Hence, he prayed that the petition may be allowed.

4. The learned Counsel for the Respondent/Complainant has submitted that the trial court has correctly convicted the petitioner/appellant and he has not shown any good cause to suspend the sentence till the disposal the above appeal and prayed to dismiss this petition.

5. Heard both side and perused the records. On perusal of the records, it is find that the Petitioner/Appellant has raised substantial grounds, challenging the impugned trial court judgment. Further, it is find that the petitioner is having arguable case in the appeal. However, the Petitioner/Accused has not made out any grounds for exemption from depositing the amount which is not less than 20% of the compensation amount in this petition. Considering the nature and circumstances of the case and in the interest of the justice, this court inclined to enlarge the petitioner on bail by suspending the sentence, till the disposal of the appeal, subject to the following conditions:

1) The Petitioner/Appellant has to be released on interim bail on executing a bond for Rs.20,000/- along with two sureties, each for like-sum to the satisfaction of the learned Judicial Magistrate, Lalgudi.

2) The Petitioner/Appellant shall deposit of Rs.60,000/- being 20% of the compensation awarded by the trial court, within 60 days from the date of this order.

3) If the Petitioner/Appellant deposits the above said amount within the time frame fixed by this Court , the bail order shall be made absolute till the disposal of this appeal.

4) If the Petitioner/Appellant fails to deposit the amount within the time frame fixed above, the interim bail shall stand cancelled.

5) The Petitioner/Appellant shall appear before this court and also before the trial court as and when directed to do so.

Pronounced by me in the open court on this the 21st day of April 2025.

II Additional District & Sessions Judge,
Tiruchirappalli.

To

1. The Petitioner through Petitioner's counsel.
2. The Respondent through Respondent's counsel.

Copy to: The Judicial Magistrate, Lalgudi.