

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT TIRUVALLUR

Present: Tmt. S. SELVA SUNDARI, M.L.,
Principal District and Sessions Judge, Tiruvallur
Tuesday, the 20th day of February, 2024

Crl.M.P.No: 457/2024 in Crl. Appeal No.10/2024

R. Sathish, S/o Rathinavel Mudaliyar,

...Petitioner/Accused

//Versus//

E.A. Dhamodharan, S/o E.A. Arumuga Mudaliyar

...Respondent/Complainant

Petition dt: 10/01/2024 U/s. 389(1) Cr.P.C. praying for suspension of sentence pending Criminal Appeal

This petition coming on this day for hearing before me having the petition filed by the petitioner Counsel M/s P. Balachandar, R. Sridhar, S. Narmadha, and upon hearing the arguments of the petitioner/appellant and upon perusing the records and material and hearing both sides, this court made the following:-

ORDER

Heard arguments of the learned counsel for the petitioner. Petition filed u/s 389(1) Cr.P.C praying to suspend the sentence imposed by the Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur in STC No.103/2022 dated 25.09.2023 till the disposal of appeal.

The learned counsel for the petitioner has submitted that the trial court without considering material evidence the trial court without proper appreciation of evidence and documents convicted the accused, the alleged money transaction itself was not proved by complainant, hence the petitioner has chances to succeed in the appeal, and prayed to suspend the sentence till disposal of appeal

A perusal of records shows that Trial Court found the petitioner/accused guilty u/s 138 of negotiable Instrument Act convicted u/s 255(2) Cr.P.C. and sentenced him to undergo 6 months simple imprisonment and directed accused to pay Rs.15,00,000/- as compensation within one month u/s 357(3) Cr.P.C in default to undergo further three months simple imprisonment.

As against the conviction and sentence of imprisonment of trial Court, the accused preferred the present appeal which is now taken on file as CA.10/2024. The trial Court also suspended the sentence of imprisonment u/s 389(3) Cr.P.C. till 20.10.2023 as per orders in CMP No.2423/2023 dt. 25.09.2023. Admittedly, there is no delay in filing the appeal. Now appeal is preferred and the same is admitted.

Considering the above said aspects, this Court is inclined to suspend the sentence of imprisonment imposed by the Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur in STC No. 103/2022 dated 25.09.2023 alone till the disposal of the Criminal Appeal No. 10/2024. The petitioner/appellant and accused is directed to deposit 20% of the compensation amount before the trial Court to the Credit of STC No. 103/2022 within the period of sixty days. In default of deposit of the compensation amount, the order passed will stand cancelled automatically. The petitioner / Appellant is directed to appear before the I Additional District and Sessions Judge, Tiruvallur, Call on 22.04.2024

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this, 20th day of February, 2024

Sd./- S. Selva Sundari
Principal District and Sessions Judge,
Tiruvallur

Copy to:-

The Petitioner's Advocate M/s P. Balachandar
I Additional District & Sessions Judge, Tiruvallur
The Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur