

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

Present: Tmt. J. JULIET PUSHPA, B.Sc., M.L.,

Principal District and Sessions Judge, Tiruvallur

Tuesday, the 14th day of October, 2025

M.P.No: 1/2025 in CrI. Appeal No.212/2025

Thanikachalam, S/o Jagadeesan,

...Petitioner/Accused/Appellant

//Versus//

N. Yuvaraj, S/o Nagaraj

...Respondent/Complainant

Petition dt: 25.09.2025 U/s. 430 (1) of BNSS 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 R.S.Bharanivel Raaj, , and upon hearing the arguments of the petitioner/appellant and in the presence of respondent/ complainant 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 430 (1) of BNSS praying to suspend the sentence imposed by the Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur in STC No.94/2024 dated 30.07.2025 till the disposal of the appeal.

The learned counsel for the petitioner has submitted that the trial court without considering material evidence and without proper appreciation of evidence and documents convicted the accused, hence the petitioner has chances to succeed in the appeal. Hence, prayed to suspend the sentence.

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 one 6 months year simple imprisonment and directed accused to pay Rs.9,00,000/- within 30 days as compensation u/s 357(3) Cr.P.C in default to undergo further 1 1/2 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.212/2025. The trial court suspended the sentence for 30 days as per the orders in in MP No. 2/2025 dated 30.07.2025 . However, since the petitioner did not produce the required sureties on the day , and produced the sureties only on 06.08.2025, it was refused. As far as the production of the sureties is concerned as per the orders of this court in MP No.2/2025 in the Criminal Appeal, the petitioner has been permitted to produce sureties within one week.

Admittedly, there is no delay in filing the appeal. Now appeal is preferred and the same is admitted. Therefore, this Court is inclined to suspend the sentence of imprisonment imposed by trial court till the disposal of appeal.

The petitioner is ready to deposit 20% of the statutory amount out of compensation before the trial Court.

On considering the above 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.94/2024 dated 30.07.2025 till the disposal of the Criminal Appeal No. 212/2025 on condition that the petitioner/appellant to deposit 20 % of the compensation amount before the trial Court to the Credit of STC No. 94/2024 and the petitioner is directed to execute a bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur within a 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 on 15.12.2025.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this, 14th day of october, 2025

**Principal District and Sessions Judge,
Tiruvallur**

Copy to

The Petitioner's Advocate M/s R.S.Bharanivel Raaj
The I Additional District and Sessions Judge, Tiruvallur
The Judicial Magistrate, Fast Track Court at Magisterial Level , Tiruvallur