

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,

Vacation Sessions Judge, Theni,

Dated this the 22nd day of May 2024

M.P.No : 01 of 2024 -In-

C.A.No : 04 of 2024

(S.T.C.No.210/2023 on the file of the Judicial Magistrate (FTC), Uthamapalayam)

Thangapandiyan ... Petitioner/Appellant/Accused

-Versus-

Murugan ... Respondent/Complainant

This is petition coming on this day before me for hearing in the presence of Thiru.K.Ajmalkhan, Advocate for the Petitioner/Appellant/Accused and Learned Counsel for the state, this court passed the following:

ORDER

This petition filed by the Petitioner U/s.389(1) Cr.P.C. The petitioner prays to suspend the execution of the sentence to undergo Six months simple imprisonment and to pay compensation of Rs.5,00,000/- to the complainant for the offence U/s.138 N.I. Act passed by the Learned Judicial Magistrate (FTC), Uthamapalayam against the Petitioner/Appellant/Accused on 25.04.2024 in S.T.C.No.210/2023 and enlarged him on bail till the disposal of the appeal.

Aggrieved over the judgment and sentence made by the trial court, the petitioner/accused/appellant had preferred an appeal before this court and taken on file in C.A.No.04/2024.

Now the petitioner has filed this petition to suspend the sentence till the disposal of the criminal appeal.

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The points for determination is that can the sentence be suspended till the disposal of Criminal Appeal.

Answer :-

Considering all these facts and circumstances and undertakings of the petitioner/accused/appellant, this petition is allowed and the sentence of imprisonment alone is suspended till the disposal of the appeal, on condition that the petitioner shall deposit 20% of the compensation **(Rs.5,00,000/- X 20% of Rs.5,00,000/-) amount of Rs.1,00,000/- (Rupees One Lakh only)** as required U/sec.148 (1) of N.I Act on the compensation award into the concerned Judicial Magistrate within 30 days as per Sec.148(2) of N. I. Act from the date of this order and on such conditions the petitioner shall be enlarged on bail on executing a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate (FTC), Uthamapalayam within 30 days from today and in the event of not depositing the 20% of award amount as required U/s.148(1) of N.I.Act the bail order shall stands cancelled automatically.

Pronounced by me in open Court on this the 22nd day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to

1. The Judicial Magistrate (FTC), Uthamapalayam.
2. The petitioner's through his counsel.
3. Murugan, S/o. Surulimalaiyan,
D.No.175/3,
Sanmuganathan Kovil Street,
Annaipatty, K.K.Patty P.O.,
Theni.