

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
CUDDALORE DISTRICT, CUDDALORE

Present: Thiru.S.Jawahar, B.L.,
Principal Sessions Judge,
Cuddalore.

Tuesday, the 28th day of January 2025

Crl. Misc. Petition No. 773/2025

In C.A. No. 6/2025

1. M/s. Sri Ambiga Sugars Limited (Under Liquidation)
2. Ram Thiyagarajan, age 72, S/o. Thiyagarajan >> Petitioners/Accused
.Vs.
Sambasivam, S/o. Natarajan >> Respondent/Complainant

This petition is coming for hearing before me on this day in the presence of Thiru.B.Nandakumar, Advocate for the petitioners and this Court made the following

ORDER

Heard both sides.

This Petition is filed U/S.389(1) of Cr.P.C. & 430(1) of BNSS, to suspend the sentence imposed by the Learned Judicial Magistrate No.III, Cuddalore in **S.T.C.No.823/2019** dated – 13.12.2024 till the disposal of the appeal.

The Learned Counsel for the Petitioner/Accused/Appellant has contended that the appeal has been preferred by the Petitioner/Appellant/ Accused as against the Judgment of Magistrate Court has been taken on file by this Court in **C.A.No.6/2025.**

The Petitioner/Appellant/Accused was convicted and sentenced to undergo Simple Imprisonment for 1 year and also to pay the compensation amount of Rs.22,62,600/- to the complainant U/S.357(3) of Cr.P.C. within one month from the date of judgment and in default of payment of compensation, he shall undergo a further period of 6 months Simple Imprisonment for the offence U/S.138 of NI Act.

The compensation amount of Rs.22,62,600/- not paid to the complainant.

The appeal preferred by the Petitioner/Appellant/Accused as against the conviction and sentence of the trial Court has been taken on file by this Court in **C.A.No.6/2025** and the Petitioner/Accused has not moved any application before the Hon'ble High Court, Madras.

The Learned Counsel for the Petitioner/Appellant/Accused contended that the Petitioner/Appellant/Accused has got fair chances to succeed in the appeal. He is not a pauper. He is having permanent address. Hence, prays to allow the petition.

Considering the facts and circumstances of the case, considering the offence and the sentence imposed on the Petitioner, the undertaking given by the Petitioner/Appellant/Accused and there are sufficient reasons to suspend the sentence, this Court is inclined to suspend the sentence till the disposal of the appeal and the Petitioner/Accused is ordered to be released on bail on terms and conditions imposed as follows:

The Petitioner/Accused is ordered to be enlarged on bail on **his surrender** on or before **18.02.2025** before the **Learned Judicial Magistrate No.III, Cuddalore** on his executing a bond for Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the **Learned Judicial Magistrate No.III, Cuddalore** and the Petitioner/Appellant/Accused shall also deposit **20% of Cheque amount before the Magistrate Court on or before 18.02.2025** and the same has to be kept in **CrI.C.D. account in the said Case Number failing which the petition shall stand dismissed automatically.**

Further the Learned Judicial Magistrate No.III, Cuddalore is directed to secure the accused as per law.

Further the Petitioner/ Appellant/Accused is directed to appear before the Learned Judicial Magistrate No.III, Cuddalore at 10.30 A.M. for 15 days.

Further, the Petitioner/Appellant/ Accused is **directed to appear before the I Additional District and Sessions Judge, Cuddalore on 28.02.2025.**

Pronounced by me in Open Court, this the 28th day of January 2025.

PRINCIPAL SESSIONS JUDGE,
CUDDALORE.

To : The I Additional District and Sessions Judge,
Cuddalore.
The Judicial Magistrate No. III, Cuddalore.

Through
E-Mail only

Copy to : The Respondent - Sambasivam, S/o. Natarajan
Proprietor – SGM Lorry Service, No.11,
Prasanthi Nagar, Thirupapuliur, Cuddalore.