

29.09.2025

Orders on I.A.No.I and II

The counsel for appellant has filed **I.A.No.I** under section 464 of the B.N.S.S for suspend the execution of sentence of imprisonment passed in C.C. No.306/2018 dated 28.08.2025.

In the affidavit, in support of **I.A.No.I**, it is stated that he has filed the present appeal against the impugned Judgment dated 28.08.2025 passed by the learned Senior Civil Judge and J.M.F.C court, Ramdurg. Accordingly prayed to allow the application.

Further counsel for appellant has also filed **I.A.No.II** under section 430 of the B.N.S.S to stay the operation and execution of the judgment dated 28.08.2025 of the trial court.

Heard learned Counsel Sri.Ashok Mesta representing the appellant on **I.A.No.1 and II**.

Further, counsel has argued that appellant is convicted under section 138 of N.I Act and prayed for suspending the operation and execution of Judgment of conviction and order of sentence dated

28.08.2025 passed by the trial court pending disposal of the appeal.

The appellant has been convicted for the offence punishable under section 138 of N.I. Act. He is sentenced to pay a fine of **Rs.2,00,000/-** and in case default to pay the fine amount shall undergo simple imprisonment for a period of **Six** months.

Having perused the impugned judgment and the grounds urged by the appellant in the memorandum of appeal, there are sufficient materials to consider the appeal on merits and meanwhile the operation of the order of sentence needs to be suspended subject to conditions and accordingly, the following order is passed.

ORDER

The **I.A.No.I** filed by the appellants under section 464 of the B.N.S.S is hereby **Allowed**.

The **I.A.No.II** filed by the appellant under section 430 of the B.N.S.S. is hereby **Allowed**.

Further the execution of the sentence imposed under the impugned judgment of Learned Senior Civil Judge and J.M.F.C Court, Ramdurg, in Proceedings in

C.C.No.306/2022 dated 28.08.2025 is hereby stayed and suspended, subject to the condition that appellant/accused shall **deposit 5%** of the fine amount before the Trial Court and to execute personal bond for **Rs.50,000/- with a surety** for like sum to the satisfaction of the Trial Court within **30 days** from the date of this order.

Intimate the Trial Court accordingly.

Issue notice of appeal and I.A's to the respondent. Call on : 13.11.2025.

**IV Addl. District & Sessions
Judge, Belagavi.**