

Orders on I.A.No.I and II

The counsel for appellant has filed **I.A.No.I** under section 5 of the Limitation Act seeking to condone the delay of 1 year 11 days in filing the appeal.

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 18.12.2023 passed by V J.M.F.C, Court, Belagavi. Accordingly prayed to allow the application.

Further counsel for appellant has also filed **I.A.No.II** under section 389(1) Cr.P.C.

Heard learned counsel Sri.N.M.Patil and G.A.Kori representing the appellant on **I.A.No.II.**

Further, counsel for appellant 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 18.12.2023 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.2,34,000/-** and in case default

to pay the fine amount shall undergo simple imprisonment for a period of **Five** 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 5 of the Limitation Act is hereby kept in **Abeyance**.

The **I.A.No.II** filed by the appellant under section 389(1) Cr.P.C is hereby **Allowed**.

Further the execution of the sentence imposed under the impugned judgment of V J.M.F.C, Court, Belagavi, in Proceedings in C.C.No.986/2021 dated 18.12.2023 is hereby stayed subject to the condition that appellant/accused shall **deposit 15%** 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 and for reporting compliance.

Call on : 03.02.2026.

IV Addl. District and Sessions
Judge, Belagavi.