

**Crl.Appeal No.5071/2024.**

L/PP present. Sri.VAH for appellant present.  
Heard both sides.

Following order pronounced.

**ORDER**

The appellant has filed this appeal u/s.374 of Cr.P.C. by questioning the judgment of conviction and sentence dated 19.10.2024 passed by the court of the II Addl. Civil Judge and JMFC, Chikkodi, in CC No. 452/2020, wherein the appellant has been convicted and sentenced for the offences punishable u/s.279, 337, 304A of IPC and Sec.129 r/w.sec.194(d) of IMV act.

2) In this appeal, the appellant has also filed an application u/s.389(1) of the Cr.P.C., praying to stay the execution of the sentence passed by the trial court in the above referred criminal case till disposal of this appeal on the main ground that the impugned judgment is erroneous and it is liable to be set aside.

3) Heard the learned counsel for the appellant and learned public prosecutor for the state and perused the case records.

4) The question, whether the prosecution has proved the guilt of the accused / appellant beyond all reasonable doubt or not, has to be determined based on the evidence after verifying the trial court records. Therefore, till then, It is just and proper to suspend the execution of the sentence passed by the trial court till disposal of this appeal, subject to the condition that the

appellant shall deposit the fine amount imposed by the trial court in the trial court, if not deposited, within two weeks from the date of this order. Hence, the following

### **ORDER**

1) The execution of the sentence imposed by the court of the II Addl. Civil Judge and JMFC, Chikkodi in CC No.452/2020 stands hereby suspended till disposal of the appeal, subject to the condition that the appellant shall deposit the fine amount imposed by the trial court, if not deposited, within two weeks from the date of this order. Failing which, the order of suspension of execution of sentence will automatically stand vacated.

2) The appellant shall make efforts to put forth arguments within six months from the date of this order.

3) The office is directed to communicate this order to the trial court forthwith and call for TCRs.

Await for TCRs and for arguments.

Call on 10.01.2025.

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VII Addl. Dist & Sessions Judge,  
Belagavi Sitting at Chikkodi.