

ORDER ON I.A.NO.1

Learned counsel for the appellant has filed this I.A. U/S.389 of Cr.P.C. seeking to suspend the order of sentence passed by the trial court in C.C.3747/2023 dated 16/03/2026 by contending that the trial court has not appreciated the materials available on record. Several grounds of appeal are taken in the appeal memorandum. This court being the first appellate court has to re-appreciate the materials available on record. If judgment is executed the purpose of this appeal will be defeated. Hence prayed to stay the judgment of the trial court.

Heard arguments and perused the records.

The trial court has convicted the accused for the offence punishable U/S.138 of N.I.Act and sentenced her to pay fine of Rs.2,55,000/- and in default to undergo imprisonment for a period of 1 year.

In the appeal memorandum the appellant has taken several grounds of appeal. This court being the first appellate court has to re-appreciate the materials available on record. If the judgment is executed before disposal of this appeal naturally, the purpose of this appeal will be defeated. Under such circumstances it is just and

proper to stay the judgment of the trial court. Reasonable conditions will meet the situation. Hence proceed to pass the following:

ORDER

I.A. No.1 filed by the appellant U/S.389 of Cr.P.C. is hereby allowed on following conditions.

- 1) Appellant shall deposit 20% of the total fine amount within 60 days before the trial court.
- 2) He shall execute personal bond in a sum of Rs.1,00,000/- with one surety for like sum to the satisfaction of the trial court.
- 3) He shall appear before this court or the trial court as and when directed to do so.

Issue intimation of this order to the trial court immediately.

Issue notice to the respondent returnable by.

C/c I ADDL.DISTRICT &
SESSIONS JUDGE,
DAVANAGERE.