

Vide IA.U/s.430(1) of Bharatiya Nagarika Suraksha Sanhita, the Appellant prayed to stay the operation of Judgment of conviction passed by the learned VI Addl. Civil Judge and JMFC., Court, Mysuru in C.C.No.3268/2021 dated 05.01.2026 till the disposal of the appeal.

ORDER

Perused the entire record. The Appellant herein is convicted for the offence U/Sec.138 of N.I. Act and sentenced to pay a fine of Rs.1,00,000/-, in default to undergo simple imprisonment for a period of Six months and the Trial Court directed for payment of Rs.95,000/- to complainant as compensation.

Further the Appellant's counsel has submitted that as the Appellant is unable to deposit 20% of the fine amount and requested to impose condition by directing him to deposit lessor amount.

Perused the record. Heard the Appellant's counsel. With regard to inability of Appellant to deposit 20% of the fine amount is concerned in judgment of Hon'ble Supreme Court in Crl.A.No.2741/2023 Jamboo Bhandari vs., M.P.State Industrial Development Corporation Limited and others. Hon'ble Supreme Court has held that,

in case of inability of the Appellant to deposit 20% of the fine amount Appellate court has got discretion to reduce it. Herein the present appeal as Appellant has filed around 19 appeals at one stretch if Appellant is directed to deposit 20% of the fine amount it may not be possible for him. Therefore, it is decided to direct the Appellant to deposit 10% of the fine amount. Therefore, for the reasons stated in the application filed U/Sec.430(1) of Bharatiya Nagarika Suraksha Sanhita, the execution and operation of order of sentence passed by the learned VI Addl. Civil Judge and JMFC., Court, Mysuru in C.C.No.3268/2021 dated 05.01.2026 is hereby stayed pending disposal of the present appeal, subject to condition that Appellant shall deposit 10% of the total fine amount of Rs.1,00,000/- before the Trial Court and on execution of a personal bond for a sum of Rs.50,000/- with one surety for like sum to the satisfaction of Trial Court.

The Appellant shall deposit 10% of the fine amount of Rs.1,00,000/- i.e. Rs.10,000/- within 60 days as provided U/s.148(2) of N.I.Act.

Issue notice to the Respondent if the proper process fee and RPAD is paid.

Call for TCR by : 11.03.2026.

II Addl.District & Sessions Judge,
Mysuru.