

CrI.A 8/2022

The learned counsel appearing for appellant/accused submits that the cheque in question and 3 other cheques were misplaced, therefore, missing complaint was lodged and accordingly, an NCR was Registered.

That the statutory notice issued by the respondent/complainant was replied by the appellant/accused on the same terms. That the accused/appellant took the same stand while defending the case before the trial court. That the trial court while passing the impugned judgment assigned no reasons in respect of the said defence.

The learned counsel further submits that the complainant/respondent had preferred two cases basing on such misplaced cheques. One of such cases ended in acquittal but the impugned judgment resulted in convicting and sentencing the appellant/accused for the offence punishable U/sec.138 NI Act. Therefore,

according to the learned counsel there is merit in the appeal and hence, the operation and execution of the impugned judgment and the consequential sentence be stayed.

Hence, the following:

**ORDER**

Acting u/s 148 of the Negotiable Instruments Act, the appellant-accused is hereby directed to deposit 20% (20% Rs.4,10,000/- is equivalent to Rs.82,000/-) of the above said fine amount which shall be in addition to the amount deposited before the court below.

The appellant-accused shall deposit so within 60 days from this day and failing compliance, the order of stay to be granted shall be vacated without further orders. On this condition, the operation and execution of order of the trial court is hereby stayed till next date.

Post the matter for reporting of compliance, office to call for LCR and issue notice to respondent by **11.04.2022.**

(SIDDALINGA PRABHU)  
**III Addl. Dist. & Sessions Judge,**  
**Ramanagara. dt.11.02.2022**