

KAUK010000032025



Case called out.

Sri. RLP., advocate files vakalath for Respondent.

Heard the Counsel for Appellant and Respondent on delay application.

Perused the affidavit enclosed to the application and also grounds in the appeal memo.

The Appellant has stated in the affidavit that due to ill health, he could not approach to his advocate to prepare this appeal and hence there is a delay in filling of the Appeal.

The Appellant has shown sufficient reason to condone the delay. Hence the delay of 24 days in filling the appeal is hereby condoned.

The Appellant/Accused has filed this Appeal challenging the Judgment of conviction dated 08-11-2024 passed by the Senior Civil Judge & Prl. JMFC, Kumta, in C.C.No. 579/2018.

Along with appeal, the Appellant has filed application under Section 430 of BNSS, seeking suspension of sentence passed in C.C.No. 579/2018.

Perused the application, memorandum facts and grounds in the appeal memo.

The Senior Civil Judge & Prl. JMFC, Kumta, has convicted the Appellant/Accused for the offence under Section 138 of NI Act and sentenced to pay a fine of Rs. 3,30,000/- and in default of payment of fine

amount, the Accused shall undergo simple imprisonment for a period of one year.

The Appellant/Accused has produced the receipt for having deposited the fine amount of Rs. 5,000/- in the Trial Court.

The Appellant has made out sufficient grounds for suspension of sentence. Hence the following;

ORDER

The operation of the sentence of conviction passed by the Senior Civil Judge & Prl. JMFC, Kumta, in C.C.No. 579/2018 dated:08-11-2024, is hereby suspended for a period of six months, subject to deposit 20% of the cheque amount within two months from this order, before the Trial Court and to offer bail on personal bond of Rs.30,000/- with a surety for likesum to the satisfaction of the Trial court.

Call for TCR. Call on 13-06-2025.

Sd/-

II Addl., District & Sessions Judge,
U.K., Karwar.