



CRL.A/154/2025

## **ORDER**

Case called out.

Sri. GVN Adv., files Vakalath for Respondent Society.

Heard the Counsel for Appellant and Respondent on delay application.

The counsel for Respondent orally objected to condone the delay.

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 and inability to travel long distance from own village, 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 255 days in filling the appeal is hereby condoned.

The Appellant/Accused has filed this Appeal challenging the Judgment of conviction dated: 11-07-2024 passed by the Senior Civil Judge & Prl. JMFC, Kumta, in C.C. No. 169/2023.

Along with appeal, the Appellant has filed application under Section 430(1) of BNSS, seeking suspension of sentence passed in C.C. No. 169/2023.

Perused the application, Memorandum Fact and grounds in the appeal memo.

The learned Senior Civil Judge & Prl. JMFC, Kumta, has convicted the Appellant/ Accused in C.C. No. 169/2023 dated: 11-07-2024, for the offence under Section 138 of NI Act

and sentenced to pay a fine of Rs. 1,92,800/- and in default of payment of fine amount, the Accused shall undergo simple imprisonment for a period of one year.

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. 169/2023 dated: 11-07-2024, is hereby suspended for a period of six months, subject to pay fine of Rs. 10,000/- within two weeks and deposit 20% of the compensation amount within two months from this order, before the Trial Court and to offer bail on personal bond of Rs. 20,000/- with a surety for likesum, to the satisfaction of the Trial court.

Call for TCR.

R/by 07-08-2025.

(MAYANNA B L)

II ADDL. DISTRICT AND SESSIONS JUDGE,  
KARWAR, UTTARA KANNADA