

KAUK010011032024



Case called out.

Sri. NSB., advocate files vakalath for Respondent and also files objection to the delay application.

Heard the Counsel for Appellant and Respondent on delay application. Perused the affidavit enclosed to the application, objection and also grounds urged in the appeal memo.

The Appellant has shown sufficient reason to condone the delay. Hence the delay of 55 days in filling the appeal is hereby condoned.

This is an Appeal filed under Section 415 of BNSS, challenging the Judgment of conviction of the Appellant/Accused for the offence punishable under Section 138 of NI Act, passed by the learned Addl., Civil Judge & JMFC, Honnavar, in C.C. No. 624/2021 dated:02-05-2024, wherein for the cheque amount of Rs. 30,76,809/-, the Trial Court has convicted the Appellant/Accused and sentenced to pay a fine of Rs. 32,76,809/- and in default of payment of fine amount, the Accused shall undergo simple imprisonment for a period of one year. Out of the said fine amount Rs. 32,70,809/- shall be paid to the complainant as compensation and remaining fine amount of Rs. 6,000/- to be remitted to the State.

Along with Appeal Memo, the Appellant has also filed application

U/sec. 430(1) of BNSS., praying this Court for suspension of sentence passed by the learned Addl., Civil Judge & JMFC, Honnavar, in C.C. No. 624/2021 dated:02-05-2024.

Heard the counsel for Appellant on application for suspension of sentence.

Perused the impugned Judgment, appeal memo, application and grounds urged therein. There are sufficient grounds for suspension of sentence of conviction passed by the learned Addl., Civil Judge & JMFC, Honnavar, in C.C. No. 624/2021 dated:02-05-2024.

Hence the following

ORDER

The operation of the sentence of conviction passed by the learned Addl., Civil Judge & JMFC, Honnavar, in C.C. No. 624/2021 dated:02-05-2024, is hereby stayed for a period of six months, subject to deposit of fine amount of Rs. 6,000/- within two weeks and 20% of the cheque amount within two months from this order, before the Trial Court and to offer bail on personal bond of Rs. 3,00,000/- with surety for like sum to the satisfaction of the trial court.

Call for TCR.

Call on 20-02-2025

Sd/-

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