

KAUK010012482024



Case is advanced and taken on today's board. .

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

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 Senior Civil Judge & JMFC, Ankola, in C.C. No. 97/2018 dated:27-06-2024, wherein for the cheque amount of Rs. 1,98,505/-, the Appellant/Accused is convicted and sentenced to pay a fine of Rs. 2,80,000/- and in default of payment of fine amount, the Accused shall undergo simple imprisonment for a period of six months. Out of the said fine amount Rs. 2,75,000/- shall be paid to the complainant as compensation and remaining fine amount of Rs. 5,000/- 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 Senior Civil Judge & JMFC, Ankola, in C.C. No. 97/2018 dated:27-06-2024.

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 Senior Civil Judge & JMFC, Ankola, in C.C. No. 97/2018 dated:27-06-2024.

Hence the following

ORDER

The operation of the sentence of conviction passed by the learned Senior Civil Judge & JMFC, Ankola, in C.C. No. 97/2018 dated:27-06-2024, is hereby stayed for a period of six months, subject to deposit of fine amount of Rs. 5,000/- 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. 50,000/- with surety for like sum to the satisfaction of the trial court.

For await records. Call on 04-12-2024

Sd/-

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