

**IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA**  
**Present: Sri. K.K.Balakrishnan, Sessions Judge**  
**Wednesday the 7<sup>th</sup> day of January, 2026**  
**Crl. M.P. No.1/2026 in Crl.A.No.6/2026**

Between:-

Subhash, Aged 48 years, S/o Vijayappan, residing at  
East SR Bhavan, Cheruthana North Muri, Cheruthana  
Village, Alappuzha District, Pin 690517 } Petitioner/Appellant

AND

State of Kerala represented by the Sub Inspector  
of Police, Veeyapuram Police Station through the  
Public Prosecutor, Alappuzha } Respondent

This petition is filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, by the petitioner/appellant to suspend the execution of the sentence passed against him by the Court of Asst. Sessions Judge, Alappuzha, in S.C.No.76/2020 dated 25.11.2025.

Petition was presented on : 06.01.2026

This petition coming on 07.01.2026 for hearing before me in the presence of Adv.Sandra Nelson, Counsel for petitioner; Public Prosecutor for the Respondent No.2(State); the Court passed the following:-

**ORDER**

This petition is filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, by the petitioner/appellant to suspend the execution of the sentence passed against him by the Court of Asst. Sessions Judge, Alappuzha, in S.C.No.76/2020 dated 25.11.2025.

2. Short facts necessary for the disposal of the petition are as follows:-  
The petitioner herein is the accused in S.C.No.76/2020. The trial court convicted and sentenced the accused to undergo rigorous imprisonment for a period of seven years and to pay fine of ₹50,000/-, in default to undergo rigorous imprisonment for six months, for offence u/s.308 of IPC. He shall also undergo rigorous imprisonment for a period of one year and to pay fine of ₹10,000/-, in default to undergo rigorous imprisonment for one month, for the offence u/s.506

(ii) of IPC. The fine amount, if realised, shall be given to PW1 as compensation under Section 357 (1) (b) of CrPC. The substantive sentences shall run concurrently. Aggrieved by the order, the petitioner approached this court with the appeal. The judgment of the trial court is irregular and improper and is against law. The trial court failed to appreciate the evidence in its proper perspective. The petitioner submit that he has a fair chance of success in the appeal. Unless the execution of sentence passed by the trial court is suspended till the disposal of the appeal, the petitioner would be put to untold hardships and irreparable loss. Hence, prayed to suspend the execution of the sentence passed by the trial court.

3. Against the petition, no objection was filed by the respondent.

4. Heard the learned counsel for the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner is ready to deposit part of the fine amount to suspend the execution of sentence but prayed for leniency in imposing conditions. The learned counsel sought one month time to comply the conditions for depositing part of the fine amount. So, considering the facts and circumstance of the case, the petition is allowed, but on conditions. Therefore, execution of the sentence passed by the trial court is suspended till the disposal of the appeal and bail is granted to the petitioner with following conditions:

- (i) The petitioner is directed to deposit ₹30,000/- out of the fine amount in the trial court on or before 06.02.2026.
- (ii) The petitioner shall be released on bail, on executing bond for ₹50,000/- (Rupees Fifty Thousand only) by himself and two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

*Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 7<sup>th</sup> day of January, 2026.*

Sd/-  
SESSIONS JUDGE  
ALAPPUZHA