

IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA

Present: Sri. K.K.Balakrishnan, Sessions Judge

Friday the 6th day of February, 2026

Crl.M.P. No. 1/2026 & Crl.M.P. No.2/2026

in Crl.A No.32/2026

Between:-

Shahana.M, Aged 34 years, W/o Shafeek.K, Valasserry
Colony, Avalookunnu P.O, Alappuzha, Pin 688006

} Petitioner/Appellant

AND

1. Gentleman Chit Funds Co.(India) Pvt.Ltd.,
Anand Bazar at South of Devi Temple,
Cherthala (represented by its authorised
agent Salim Kumar A.P, Aged 53 years,
S/o P.K.Padmanabhan, Ayyarappallithara
House, Thirunalloor P.O, Pallippuram Village,
Cherthala
2. State of Kerala represented by Public
Prosecutor, Alappuzha

} Respondents

Petitions were presented on : 05.02.2026

These petitions coming on 06.02.2026 for hearing before me in the presence of Adv.P.Sudheer, Counsel for petitioner; Public Prosecutor for the Respondent (State); the Court passed the following:-

ORDER

Crl.M.P.No.02/2026 is filed under Section 430 (1) of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner, who is the appellant in the above matter, to suspend the execution of the sentence passed against her on 05.01.2026 in S.T.No.122/2019 on the file of the Court of Judicial Magistrate of the First Class-IV, Cherthala. Whereas, Criminal M.P.No.01/2026 is filed by the petitioner in the above matter to exempt her from depositing 20% of the fine amount, as required under Section 148 of NI Act.

2. The petitioner contended that the trial court found her guilty of the offence punishable under Section 138 of Negotiable Instruments Act and

convicted her for the said offence and sentenced to pay a fine of ₹94,720/- and in default, to undergo simple imprisonment for one month. The fine amount, if realised, shall be given as compensation to R1 u/s.357(1) of CrPC. The petitioner further submitted that the judgment of the trial court is illegal, improper and without proper appreciation of facts and law. There are valid grounds for allowing the appeal. Unless the judgment of the trial court is not suspended till the disposal of the appeal, the petitioner would be put to untold hardships and irreparable loss. In the affidavit filed along with CrI.M.P.No.02/2026, the petitioner further submitted that she is the sole earning member of her family and so, unable to deposit 20% of the fine amount to comply the conditions stipulated u/s.148 (1) of the NI Act. So, prayed to grant exemption from that condition and suspend execution of sentence till the disposal of the appeal.

3. Heard the learned counsel for the petitioner.

4. The learned counsel for the petitioner submitted that there are valid grounds to allow the appeal. Unless the order of the trial court is not suspended till the disposal of the appeal, the petitioner would be put to untold hardships and irreparable loss. Moreover, the learned counsel submitted that the petitioner has no means to deposit 20% of the fine amount fixed by the trial court. Therefore, the learned counsel prayed to admit the appeal without imposing condition u/s.148 (1) of NI Act and also prayed to suspend the execution of sentence passed by the trial court.

5. I have perused the available records and considered the submission of the learned counsel for the petitioner. The reason stated by the petitioner in her affidavit for granting complete exemption from depositing 20% of fine amount is that she is the sole earning member of her family and unable to deposit the said amount before trial court. So, I am of the view that the reason stated by the petitioner is sufficient to grant exemption from the condition stipulated in S.148 (1) of NI Act. In the above facts and circumstance, I am of the view that this is a fit case to grant exemption from the condition stipulated in S.148 (1) of NI Act. Therefore, appeal is admitted and the execution of sentence passed against the petitioner by the trial

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court is stayed till the disposal of the appeal. The petitioner shall be released on bail after executing bond for ₹50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

In the result, both petitions are allowed.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 6th day of February, 2026.

Sd/-
SESSIONS JUDGE
ALAPPUZHA