

**IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA**  
**Present: Sri. K.K.Balakrishnan, Sessions Judge**  
**Wednesday the 22<sup>nd</sup> day of October, 2025**

**Crl. M.P. No.2284/2025 in Crl.A.No.161/2025**

Between:-

Pushpamma Sali, Aged 55 years, W/o Sali,  
Naduvileparambu Veedu, Mambuzhakkary,  
Ramankary, Kuttanadu, Alappuzha

} Petitioner/Appellant

AND

1. N.P.Kunjumon, Aged 65, S/o Kunjan,  
Puthanparambil Veedu, Mambuzhakkary,  
Ramankary, Kuttanad, Alappuzha
2. State of Kerala represented by the  
Public Prosecutor, Alappuzha

} Respondents

This petition 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 10.07.2025 in S.T.1586/2023 on the file of the Court of Judicial Magistrate of First Class, Ramankary.

Petition was presented on : 27.08.2025

This petition coming on 22.10.2025 for hearing before me in the presence of Sri.Antony George, Advocate for petitioner; the Court passed the following:-

**ORDER**

This petition 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 10.07.2025 in S.T.1586/2023 on the file of the Court of Judicial Magistrate of First Class, Ramankary.

2. The petitioner contended that the trial court found the appellant guilty of the offence punishable under Section 138 of Negotiable Instruments Act and by the above stated judgment convicted her for the said offence and sentenced to undergo simple imprisonment for four months and to pay a compensation of

₹2,00,000/- to R1 u/s.357 (3) of Cr.P.C. In default of payment of compensation, she shall undergo simple imprisonment for a further period of three months. The petitioner further submitted that the judgment of the trial court is against law, facts and evidence of the case. 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. Hence the petition.

3. Heard the petitioner.

4. The learned counsel for the petitioner submitted that petitioner is a lady aged 55 years and she has no means to deposit 20% of the compensation amount to comply 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. 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 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, the petition is allowed.

*Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 22<sup>nd</sup> day of October, 2025.*

Sd/-  
**SESSIONS JUDGE**  
**ALAPPUZHA**