

**IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA**  
**Present: Sri. K.K.Balakrishnan, Sessions Judge**  
**Monday the 27<sup>th</sup> day of October, 2025**

**Crl. M.P. No.3077/2025 in Crl.A.No.197/2025**

Between:-

Chatterji @ Kuttai, Aged 61 years, S/o  
Keshavathandar, Chembitharayil Veedu,  
Thanneermukkom Panchayath, Ward 13, Karikkad  
P.O, Cherthala

} Petitioner/Appellant

AND

The State of Kerala represented by the Chief  
Secretary represented by the Sub Inspector of  
Police, Muhamma Police Station through the  
Public Prosecutor, Alappuzha

} Respondent

This petition is filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/appellant to suspend the execution of the sentence passed by the Court of Judicial Magistrate of First Class-II, Cherthala in C.C.No.663/2017 dated 24.09.2025.

Petition was presented on : 23.10.2025

This petition coming on 27.10.2025 for hearing before me in the presence of Adv.Manjukrishnan.V, Counsel for petitioner; the Court passed the following:-

**ORDER**

This petition is filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the petitioner/appellant to suspend the execution of the sentence passed by the Court of Judicial Magistrate of First Class-II, Cherthala in C.C.No.663/2017 dated 24.09.2025.

2. Short facts necessary for the disposal of the petition are as follows:-

The petitioner herein is the first accused in the above case. The trial court passed the impugned judgment in the said case on 24.09.2025 and sentenced the petitioner and A2. A1/petitioner is sentenced to pay fine of ₹1,000/- for the offence u/s.323 of IPC and in default of payment of fine, he shall undergo simple imprisonment for 10 days. He is sentenced to undergo simple imprisonment for

three months and to pay fine of ₹10,000/- for offence u/s.325 of IPC. In default of payment of fine, he shall undergo simple imprisonment for one month. A1 and A2 are sentenced to undergo simple imprisonment till the rising of the court and to pay fine of ₹500/- each for the offence u/s.341 of IPC. In default of payment of fine, the accused shall undergo simple imprisonment for 10 days. The accused are acquitted u/s.248 (1) for offence punishable u/s.294 (b) and 354 of IPC. On realisation of the fine amount, ₹10,000/- shall be paid to PW1 as compensation u/s.357 (1) (b) of CrPC. The conviction and sentence of the trial court is illegal, improper and passed without proper appreciation of facts and law. The petitioner submit that he has 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. Heard the petitioner.

4. Considering the facts and circumstance of the case, the petition is allowed. Stay granted for the execution of the sentence till the disposal of the appeal and bail is granted to the petitioner with following conditions:

- (i) The petitioner is directed to deposit the entire fine amount imposed on him, in the trial Court on or before 15.11.2025.
- (ii) He shall be released on bail, on 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.

*Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 27<sup>th</sup> day of October, 2025.*

Sd/-

**SESSIONS JUDGE  
ALAPPUZHA**