

IN THE COURT OF SESSION (VACATION COURT),
ERNAKULAM DIVISION

Present:-

**Sri. Syamlal S R., Addl. District & Sessions Judge-II,
Judge, (Vacation Court)
Friday, 17th day of April, 2026/27th Chaithra, 1948**

Crl.MP No.01/2026 in Crl.Appeal No.199/2026

Appellant / Kurian George, aged 39 years, C K Georgekutty,
Accused: Mariya House, Cheruparambath 2nd Cross Road,
Elamkulam, Kadavanthra P O, Ernakulam, Kochi-
682 020.

By Adv. Karthika Maria.

Respondent/ 1 M/s. Logic Sparks Infotech, 37/405 D, 1st Floor,
Complainant: Panorama House, Subhash Chandra Bose Road,
Kadavanthra P O, Ernakulam, Kochi-682 020
represented by its Partner, Avin Marakkasserry Leo,
aged 60 years, S/o.Lenny Marakkasserry Rocky.
2 State of Kerala, represented by the Public Prosecutor,
District and Sessions Court, Ernakulam, Pin-682 011.

R2-By Public Prosecutor Smt. Sangeetha K S.

This petition filed u/s. 430 of the BNSS, 2023 to stay the conviction and sentence passed by First Class Judicial Magistrate (NI), Ernakulam by Judgment dated 28.02.2026 in C C No 1443 of 2023.

This petition coming on for hearing on 17.04.2026 and the Court on the same day passed the following:

O R D E R

This petition is filed under Section 430 of BNSS by the appellant in Criminal Appeal No. 199 of 2026 to suspend the sentence passed against him by the Judicial First Class Magistrate for the trial of cases under Section 138 of the

Negotiable Instrument Act, Ernakulam.

2. As per the judgment dated 28.02.2026, the trial court found the appellant guilty of the offence punishable under Section 138 of the Negotiable Instruments Act and convicted and sentenced him to undergo imprisonment till rising of the court and to pay a fine of ₹2,00,692/-. In default of payment of fine, the appellant is sentenced to undergo simple imprisonment for a period of three months. The petitioner had filed the appeal assailing the conviction and sentence. Along with the appeal, the appellant has filed this petition to suspend the sentence.

3. Heard the counsel for the appellant.

4. The appeal has been admitted. On going through the appeal memorandum, it is evident that the petitioner has an arguable case. Therefore, in the interest of justice, the sentence imposed on him is to be suspended till the disposal of the appeal.

5. In the result, the petition is allowed.

- The execution of the sentence imposed on the appellant in CC No. 1443 of 2015 of the Judicial First Class Magistrate for the trial of cases under Section 138 of the Negotiable Instrument Act, Ernakulam is suspended on the petitioner executing a bond for ₹50,000/- with two solvent sureties, each for the like sum, till the disposal of the appeal.

Dictated to Adalat AI, corrected and pronounced by me in open court on this the 17th day of April 2026.

Sd/-

Syamlal. S.R
Judge (Vacation Court)

///True Copy///
(By Order)

Id/-
Vacation Officer

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Comp.by:

Crl.MP No.01/2026 in
Crl.Appeal No.199/2026
Order dated: 17.04.2026