

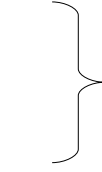
IN THE COURT OF SESSION, KASARAGOD DIVISION

Present:-Sri.K.K.Balakrishnan, Sessions Judge,
Saturday, the 30th day of March 2024

Criminal M.P.No. 1671 OF 2024 in Crl.Appeal No. 54/2024

Between:-

Abdulla, aged 52 years,
S/o.Mohammed, R/at.Chappa House,
Kizhur Masjid Road, P.O. Chandragiri
Kalanad Village, Kasaragod Taluk & District



Petitioner/
Appellant

And

1. Sajitha.K, aged about 43 years,
W/o. Aboobacker @ Abu Mohammed
R/at. Shamil Manzil, Paika,
Post Nekraje, Kasaragod Taluk & District
2. State: Represented by District Public Prosecutor
Kasaragod



Respondents/
Respondents

Petition filed under Section 389(1) Cr.PC by the petitioner/appellant to suspend the execution of the sentence passed by the Chief Judicial Magistrate, Kasaragod in STC. No.71/2022 dated 02.03.2024.

Petition was presented on : 26.03.2024

This petition coming on this day for hearing before me in the presence of Sri.Ajith.K; Advocate for Petitioner; Respondents are not entered in appearance; the Court passed the following:-

O R D E R

This petition is filed under Section 389(1) Cr.PC by the petitioner/appellant to suspend the execution of the sentence passed by the Chief Judicial Magistrate, Kasaragod in STC. No.71/2022 dated 02.03.2024

2. Short facts necessary for the disposal of the petition are as follows:-
Petitioner herein is the appellant in the above case and accused in STC No.71/2022. The trial court passed the judgment in STC.No.71/2022 dated 02.03.2024 and has sentenced him to undergo simple imprisonment till raising of court and to pay a fine of Rs.72,500/- , in default of payment of fine, he shall undergo simple imprisonment for three months. If the fine amount is realised, the same shall be given to the complainant as compensation u/s 357(1) of Cr.P.C. The petitioner further submits that the prosecution case is false one. The prosecution miserably failed to prove the case against the petitioner. The judgment passed by the trial court is erroneous and unsustainable. The petitioner has advised that he has got a fair chance of success in the appeal. He has offered sufficient sureties for his release on bail. Therefore, prayed to suspend the sentence passed by the trial court and sought one month time for depositing the amount.

3. Heard the petitioner/appellant.

4. The learned counsel for the petitioner submitted that the petitioner is ready to deposit 20% of the fine amount imposed by the trial court. But, the learned counsel sought one month time to deposit that amount in the trial

court. So, considering the facts and circumstances of the case, and submission of the learned counsel, the petitioner is allowed and execution of sentence of the trial court is suspended till the disposal of the appeal with following conditions:

- (i). The petitioner is directed to deposit 20% of the fine amount awarded in the impugned judgment in the trial court on or before 18.05.2024.
- (ii). The petitioner shall be released on bail on executing bond for ₹50,000/- each by himself and two sureties 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 30th day of March, 2024.

**Sd/-
SESSIONS JUDGE,
KASARAGOD.**

//True Copy//

Typed by : Reshmi.P
Compared by : Sujatha.K

Fair/Copy of Order in
Crl.M.P.No.1671/2024 in
Crl.Appeal No.54/2024
Dated: 30.03.2024