

IN THE COURT OF SESSION, KASARAGOD DIVISION

Present:-Sri.R.Vinayaka Rao, Sessions Judge,

Tuesday, the 26th day of May, 2026

Criminal M.P No.01 of 2026 in CrI.M.P.No.3925/2025
in CrI.Appeal No.159/25
(C.C.No.635/2020 of JFCM-II, Kasaragod)

Between:-

Ashraf, aged about 45 years
 S/o.Mamu Beary
 R/at.Near Panela,
 Elementary School,
 Pajir Village and Post
 Bantwal Taluk, D.K District
 Karnataka State

Petitioner/
 Appellant

And

- 1 Raveendranath Rai, aged 80 years
 S/o.Guddappa Rai,
 R/at.Pedemele House, Bakrabail
 Puthur Village and Post
 Manjeshwar Taluk,
 Kasaragod District

Respondents/
 Respondents

- 2 State:Represented by
 Public Prosecutor, Kasaragod

Petition filed by the petitioner to grant 10 days
 time to comply the order in CrI.MP No.3925/2025
 dated 16.07.2025

Petition was presented on : 26.05.2026

This petition coming on this day for hearing before me in the presence of Sri.Padmanabha.K, Advocate for Petitioner; Public Prosecutor for 2nd Respondent (State); the Court passed the following:

O R D E R

This is a petition filed by the counsel for the appellant to grant 10 days time to comply the order in CrI.MP No.3925/2025.

2. Heard the counsel for the petitioner and the public prosecutor. It is seen that my learned predecessor had by order in CrI.MP No.3925/2025 suspended the execution of sentence in CC No.63/2025 of Judicial First Class Magistrate II, Kasaragod subject to execution of bail bond with one solvent surety and on deposit of 20% of the fine amount. The fine amount was ordered to be deposited on or before 28.09.2025. At present it is submitted that the order is not complied and the petitioner seeks 10 days time to comply the order.

3. I have gone through the records, it is seen that the order suspending the execution of sentence is seen passed by my learned predecessor even before passing an order in the petition to condone the delay in filing the appeal. It is a mistake committed by the court. Only after condoning the delay the appeal can be accepted and thereafter the petition filed to suspend the execution of sentence can be disposed. Anyhow, as it is a mistake committed by the court, I find that the petitioner shall not be penalised for the same. I find that as my learned predecessor had passed an order in Cr1.MP No.3925/2025, the delay in filing the appeal must be deemed to have been condoned and the appeal must be deemed to have been admitted. I find that the time for compliance of order of this court in Cr1.MP No.3925/2025 can be extended by 10 days from today.

In the result,

The above CrlMP is allowed and the petitioner is granted 10 days time to comply the order in Crl.MP No.3925/2025.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 26th day of May, 2026.

**Sd/-
SESSIONS JUDGE
KASARAGOD**

//True Copy//

Typed by : Reshmi.P
Compared by: Sajith

Fair/ Copy of order in
Criminal M.P.No.01/2026
Crl.Appeal No.159/2025
Dated:26.05.2026