

IN THE COURT OF SESSION, KASARAGOD DIVISION

Present:-Sri.Sanu.S. Panicker, Sessions Judge,
Wednesday, the 06th day of August, 2025

Criminal M.P.No.4245/2025 in Crl.Appeal No.180/2025

Between:-

Ismail.M, aged 30 years

S/o.Mohammed E.P

R/at. Kolachiyaduka

Muliyar Post, Chengala Village

Kasaragod Taluk and Kasaragod

} Petitioner/
Appellant

And

1. Sree Gokulam Chit and Finance Co.Pvt.Ltd, Having its Corporate office at Chennai, Tamil Nadu Rep.by its Power of Attorney Holder Sridevi.N, aged 41 years D/o.Gopalan Nair, Working at Legal Clerk, Sree Gokulam Chit and Finance Co.Pvt.Ltd, Cherkala Branch, Kasaragod District

} Respondents/
Respondents

2. State: Rep.by Public Prosecutor, Kasaragod

Petition filed by the petitioner U/s.430(1) of BNSS to suspend the sentence passed by the Judicial First Class Magistrate-III, Kasaragod in C.C.No. 86/2023 dated 29.05.2025

Petition was presented on : 25.07.2025.

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

O R D E R

Heard.

2. At the hearing, Mr.Padmanabha.K, the learned counsel appearing for the petitioner/appellant argued that the appellant has got good grounds to contest the matter in the appeal. He further submitted that the appellant shall remit 20% of the fine amount for suspending the sentence imposed upon the appellant as per the impugned judgment. He therefore prays for suspension of sentence against the appellant.

3. Having gone through the facts and circumstances of the case and the nature of alleged transaction between the appellant and the complainant and the findings arrived at by the learned trial court, I am prima facie of the view that the offence punishable u/s 138 of Negotiable Instruments Act would attract against the appellant and therefore in order to suspend the sentence against the appellant, he shall deposit 20% of the

fine amount before the trial court as per the impugned judgment. I order accordingly.

In the result, the execution of impugned sentence against the petitioner/appellant in CC No.86/2023 on the file of the Court of Judicial First Class Magistrate-III, Kasaragod stands suspended on his executing a bond for ₹25,000/- (Rupees Twenty Five Thousand only) with a solvent surety for the like sum, and also on his depositing 20% of the fine amount imposed upon him as per the impugned judgment before the trial court on or before 10.10.2025, however the petitioner/appellant shall execute the bond on or before 14.08.2025.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 6th day of August, 2025.

**Sd/-
SESSIONS JUDGE
KASARAGOD.**

//True Copy//

SHERISTADAR

Typed by : Reshmi.p

Compared by: Jayanthi

Fair/ Copy of order in
Criminal M.P.No.4245/2025 in
Crl.Appeal No.180/2025
Dated:06.08.2025