

IN THE COURT OF SESSIONS, KASARAGOD DIVISION

Present:-Sri.Sanu.S. Panicker, Sessions Judge,
Tuesday,the 16th day of December, 2025

Criminal M.P.No.7121/2025 in Crl.Appeal No.312/2025

Between:-

Moidu.B.M, aged 56 years,
Maqsoos Mahal,
Bapaliponam, Kuntikana Post
Neerchal Village,
Kasaragod Taluk and District

Petitioner/
Appellant

And

1. Mohammed Abdul Majeed,
aged 50 years
S/o Mohammed Salih
R/at. 'Green Forest',
Pachakkad, Anangoor P.O,
Vidynangar, Kasaragod-671123
2. State : Represented by
Public Prosecutor, Kasaragod

Respondents/
Respondents

Petition filed by the petitioner U/S.430 of BNSS to suspend the sentence dated 18.10.2025 in STC No.92/2024 of the Chief Judicial Magistrate, Kasaragod.

Petition was presented on : 10.12.2025

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

O R D E R

Heard.

2. At the hearing, Mr.M.Mohanan Nambiar, 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 a case between the appellant and the complainant is pending before the learned Consumer's Dispute Redressal Commission as CC.347/2024 about the liability covered by the cheque. He therefore prays for suspending the sentence against the appellant without imposing any condition to deposit money.

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 10% of the fine amount before the trial court as per the impugned judgment. I order accordingly.

In the result, the execution of sentence against the petitioner/appellant in STC.No.92/2024 on the file of Chief Judicial Magistrate, 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 10% of the fine amount imposed upon him as per the impugned judgment before the trial court within two months from today, however he shall execute bail bond within a period of 10 days from today.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 16th day of December, 2025.

Sd/-

**SESSIONS JUDGE
KASARAGOD.**

//True Copy//

Typed by :Reshmi.P

Compared by:Sajith

Fair/ Copy of order in
Criminal M.P.No.7121/2025 in
Crl.Appeal No.312/2025
Dated:16.12.2025