

Case called out.

The counsel for appellant present.

Heard on application filed u/s 389(2) of Cr.P.C.

For order, kept by.

**Order on application filed u/s 389(2) of
Cr.P.C.**

Being aggrieved by the judgment and order passed by the learned XV Addl. Judge & 23rd ACMM, Court of Small Causes, Mayohall Unit, Bengaluru in CC.No. 51104/2017 dated 06.12.2021, the appellant has challenged the correctness and legality of the said judgment, order of conviction and sentence. The appellant has filed application u/s 389(2) of Cr.P.C praying for stay of operation and execution of Judgment and order of conviction dated 06.12.2021 in CC.No. 51104/2017.

Heard and perused.

I have perused the contents of the application filed u/s 389(2) of Cr.P.C, I have gone through the appeal memo and on perusal of the documents produced along with appeal and grounds stated in the application, I am of the opinion that, the application filed by the appellant is to be allowed. Hence, in the interest of justice, it is just, proper and

necessary to allow the application filed by the Appellant subject to condition that, the Appellant shall deposit 20% of the cheque amount within 60 days from the date of order. Hence, I proceed to pass the following:-

ORDER

The application filed u/s 389(2) of Cr.P.C. is hereby allowed. Consequently, the execution and operation of judgment, Order of conviction and sentence passed by XV Addl. Judge & 23rd ACMM, Court of Small Causes, Mayohall Unit, Bengaluru in CC.No. 51104/2017 dated 06.12.2021, is hereby suspended subject to condition that, appellant shall deposit 20% of cheque amount, within 60 days from today.

The appellant/ accused shall execute a personal bond for a sum of Rs.20,000/- with one surety for like sum, to the satisfaction of the trial court, within 60 days from today.

Issue notice of appeal memo to the respondent if P.F is paid. Call on 05.02.2022.

