

KABC0A0014542023



ORDER ON APPLICATION
FILED BY APPELLANT UNDER
SECTION 374 OF CODE OF CRIMINAL
PROCEDURE

This is an application filed by the appellant contending that this court has passed order on application filed under Section 389 of Cr.P.C. on 13.04.2023 suspending the sentence passed by trial court on certain conditions. That due to unavoidable circumstances, the appellant is unable to comply condition No.2 imposed by this court; i.e., to furnish one surety to the satisfaction of the court, since the appellant is not in a position to secure competent surety as per the direction of this court and sought for relaxation of condition. On the other hand, he is ready to execute personal bond to the satisfaction of the court and prays for relaxation of condition.

Heard the counsel. Perused the order dated 13.04.2023.

Since, it is the specific case of the appellant that he is unable to secure proper surety to furnish, if so the court prayed for relaxation of said condition. The appellant also contended that he has already complied other conditions imposed by this court as per order dated 13.04.2023. So, taking into consideration facts and circumstances of the case and reasons stated by appellant, in my view application deserves to be considered otherwise appellant will put to irreparable loss argument seems to be reasonable. So, it is just and proper to consider the prayer sought in the application, otherwise very purpose of filing the suit will be defeated, hence I proceed to pass the following:-

ORDER

***Application filed under
Section 374 of Cr.P.C. is hereby
allowed.***

***Condition No.2 is relaxed.
Appellant is directed to
execute personal bond for total***

***sum of the fine constituting
the compensation and on the
condition to attending the
appeal regularly without fail.***

After compliance, issue notice to respondent, if PF paid. Returnable by 21.07.2023.

(Mallikarjuna)
LXXIII Addl. CC & SJ, M.H. Unit,
B'luru.(CCH-74)