

**Order on IA No.1/2024 U/Sec.389(1) of
Cr.PC**

The Appellant has filed the above application seeking suspension and execution of the sentence passed by the XXXIII Addl. CMM, Bangalore, in C.C.No.54891/2018 dtd. 3.7.2024.

On perusal of the Appeal Memo and also the impugned judgment of conviction passed by the Trial Court, the Trial Court has convicted the Accused/Appellant for the offence punishable U/Sec.138 of NI Act and sentenced to pay fine amount of Rs.15,50,000/- to the Complainant. Now the Appellant has raised several grounds in the above Appeal Memo, which requires consideration by this court. Therefore at this stage, the Appellant has made out prima-facie case to consider the interim application filed by the Appellant.

Though the Counsel for Appellant submits that the Appellant has already deposited 10% of the cheque amount before the Trial Court, but in this regard no materials found in the file.

Hence, in the interest of justice and equity, it is necessary to suspend the execution and operation of the judgment of conviction passed by the Trial Court, pending final disposal of the above appeal. Accordingly, I proceed to pass the following:

ORDER

Acting U/Sec.389(1) of Cr.P.C the execution and operation of the Judgment passed by the XXXIII Addl. CMM, Bangalore, in C.C.No.54891/2018 dtd. 3.7.2024 is hereby stayed for a period of 3 months, subject to Appellant depositing 20% of the cheque amount before the Trial Court, within 8 weeks from today. In case of default on the part of the Appellant to deposit the 20% of the cheque amount, this order stands cancelled.

The Appellant shall execute personal bond for a sum of Rs.1,00,000/- and surety for the like sum, to the satisfaction of the Trial Court, within 4 weeks.

Issue notice of appeal memo and Notice on IA No.1/2024 and the Notice on Interim Order to the Respondent through court and RPAD, if PF is paid by the Appellant returnable by 10.9.2024.

[Sri. Sreepada N]
LXXII Addl.City Civil &
Sessions Judge, (CCH-73)
Bengaluru.

