

ORDER BELOW EXH. 5.

(Passed on 12.08.2026)

1) The present application is filed by Ld. Advocate for applicant/accused for suspension of sentence and grant of bail. The Ld. Advocate submitted that, the accused is convicted under section 138 of Negotiable Instruments Act by Ld. Addl. Chief Judicial Magistrate, (Court No.2) Chandrapur in S.C.C. No. 835/2022.

2) The Ld. Advocate for applicant/accused further submitted that, in the absence of accused the Judgment of conviction is passed. They have moved an application for suspension of sentence but, the Ld. Trial Court returned the said application without passing any order.

3) Ongoing through the Judgment passed by the Ld. Trial Court shows that, the applicant/accused was absent on the day of Judgment and the Judgment is pronounced in his absence. The accused is sentenced to suffer Rigorous Imprisonment for the period of 2 months and to pay the compensation to the tune of Rs.1,20,000/-. In default of

payment of compensation the accused shall undergo the Simple Imprisonment for the period of 15 days.

4) The order itself shows that, the accused was absent and Judgment was pronounced in his absence. Therefore, it may be possible that, he has not deposited any amount before the Ld. Trial Court. His sentence also doesn't seem to be suspended by the Ld. Trial Court. Taking into consideration all the aforesaid aspects and law-points raised and involved in the present matter, I am of the view that, substantive sentence imposed upon the applicant/accused needs to be suspended till the decision of appeal. The opposing right of complainant also needs to be taken into consideration while passing the said order and hence, to maintain the balance between opposing rights of the parties, I am of the view that the applicant should deposit 20% of the compensation amount. Hence, the application is allowed in terms of below;

ORDER

- 1) The applicant/accused be released on PB and SB of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety in the like amount.
- 2) The substantive sentence of accused is suspended till the decision of the appeal.

- 3) The appellant to deposit Rs.10,000/- (Rupees Ten Thousands only) at the time of obtaining bail and furnishing bail papers before the Ld. Trial Court and the remaining amount i.e., Rs.14,000/- (Rupees Fourteen Thousands only) be deposited before the Ld. Trial Court within the period of two months from today.
- 4) Bail before the Ld. Trial Court.
- 5) The appellant to remain present before this Court on fixed date of hearing.
- 6) The appellant to deposit paperbook charges immediately or to submit the paperbook within the period of three months from today.
- 7) Humdust allowed, if applied.

(Abhay K. Lahoti)
Sessions Judge, Chandrapur.
Date : 12.08.2026.