

**IN THE CITY CIVIL & SESSIONS COURT, AHMEDABAD****Criminal Appeal No.09 of 2025**
-----**Order below Exh. 4 & 5 :-**

1. The present application has been filed at Exh.4 & 5 on behalf of appellant to release the appellant on regular bail in connection in Criminal Case No.119523/2021 and also suspend the operation, implementation and execution of the impugned judgment and order dated 04.12.2024 passed by the learned 33rd Additional Chief Metropolitan Magistrate, Spl. N.I.Court, Ahmedabad in Criminal Case No.119523/2021 as also suspension of sentence till final disposal of the Criminal Appeal and suspend the order to pay the compensation passed by the learned trial Court.
2. It has been averred in the above-mentioned application that the appellant has challenged the judgment and conviction order dated 04.12.2024 passed in Criminal Case No.119523/2021 by the learned 33rd Additional Chief Metropolitan Magistrate, Spl. N.I.Court Ahmedabad, ('the learned trial Court' for the sake of clarity) wherein the Ld. Trial Court has convicted the appellant /accused and sentenced him to undergo one year of simple imprisonment and also directed to pay compensation of Rs.99060/- with 9% interest from the date of complaint and further imprisonment of three months in default of payment of amount of compensation within period of 60 days. Therefore, by way of the present application, the appellant has prayed to release him on regular bail,

during the hearing and pendency of the appeal. It is also prayed to suspend the execution and implementation of the order and suspend the sentence passed by the learned trial court as also prayed to suspend the order to pay compensation passed by the learned trial Court. Further on perusal of the bail order passed below application dated 31.12.2024 wherein the learned trial court has granted the bail and stayed the judgment and order for the period of Appeal.

3. I have heard Mr. A.M.Patel, learned advocate for the appellant. Also gone through the provisions of Section-415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the affidavit filed by the appellant.
4. The learned Advocate for the appellant has submitted that the impugned judgment and order delivered by the learned trial Court, is illegal and against the mandatory provisions of law. Therefore, it is urged by the learned Advocate for the appellant, to suspend the impugned judgment and order passed by the learned trial Court. The learned Advocate for the appellant has further submitted that appellant has already deposited 20% of the compensation amount before the Nazir of this Court vide No.'C'-1628, dated 08.01.2025 and the same has been endorsed by the Nazir. Hence, the present application urging to release the appellant on bail on appropriate conditions, which the Court may think fit, till the hearing and final disposal of the present appeal.
5. Having gone through Sec.148 of the Negotiable Instrument Act, 1881, it is clear that the Appellate Court is empowered to direct the appellant to deposit such sum which shall be a minimum of 20% of the fine or compensation awarded by the Trial Court and which sum shall be the addition to any interim compensation paid by the

appellant U/s. 143A of the said Act, 1881. I have considered the submissions of the learned advocate for the appellant and affidavit filed by the appellant. Looking to the submission of the learned Advocate for the appellant, documents produced on record and also considering the facts and circumstances of the case, and perusing the grounds mentioned in the appeal memo which requires serious consideration and proper adjudication, the present application exhibit-4 & 5 deserves to be allowed by considering the amount of 20% of compensation has already been deposited in the Nazir and accordingly, I pass the following order.

ORDER

1. The present application filed by the appellant at Exh.4 & 5 are hereby conditionally allowed and the appeal is hereby admitted.
2. Accordingly, the execution and implementation of the sentence imposed vide judgment and order dated 04.12.2024 passed in Criminal Case No.119523/2021 by the learned 33rd Additional Chief Metropolitan Magistrate, Spl. N.I.Court Ahmedabad, stands suspended, till the final disposal of the appeal.
3. Pending hearing of the present Criminal Appeal, the appellant - **Jyotirmoy Das S/o. Pasupati Das** is ordered to be released on regular bail in connection with the judgment passed in Criminal Case No.119523/2021, dated 04.12.2024, on furnishing a personal bond of Rs.10,000/- (Rupees Ten thousand), with one surety of the like amount to the satisfaction of the learned trial Court.
 - A) The appellant shall appear before the Appellate Court on each and every date of hearing.
 - B) The appellant shall not leave the local limits of India without prior permission of this Court.

- C) The appellant shall give his correct permanent residential address, mobile number, identity proof before the learned trial Court.
- D) The appellant shall not take undue advantage of his liberty.
- E) Bail bond shall be furnished according to the satisfaction of the learned trial Court.
- F) The appellant has already paid 20% of compensation before the Nazir. It is hereby made clear that condition of deposited 20% of the compensation amount shall not come in the way of accepting the bail-bond before the learned trial Court and the learned trial Court shall not insist for the receipt of this amount.
- G) Accordingly, a yadi of this order be issued to the concerned learned trial Court, for necessary action.

Pronounced in the open Court today on this **08th** day of **January, 2025**.

Date :- 08.01.2025
Place:- Ahmedabad.

[Manish Pradyuman Purohit]
Additional Sessions Judge,
City Civil & Sessions Court,
Ahmedabad.
(Unique I.D. Code No.GJ00604)

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