

**IN THE COURT OF 3rd ADDITIONAL DISTRICT AND SESSIONS
JUDGE, ANAND @ KHAMBHAT**

CRIMINAL APPEAL NO. 89 /2024

ORDER BELOW APPLICATION U/S 389 (2)

1. The applicant being original accused before the trial court in Criminal Case No. 1090/2023 was convicted and sentenced to undergo simple imprisonment for one year (01) and to pay fine to the tune of Rs. 10,000-00 along with compensation to the tune of Rs. 52,000-00 to the complainant and in default of the same, to further undergo, simple imprisonment for 3 months, vide order dtd 05/04/2024. The impugned judgment has been challenged by the applicant-accused under this appeal and inter-alia this application u/s 389 of Cr.P.C., for suspension of sentence has been filed.
2. Heard Id. Advocate for the applicant-accused and Id. APP.
3. Ld. advocate for the applicant-accused has contended that; convict has deposited the amount of fine of Rs. 10,000-00; he is ready to deposit 20% of the compensation amount within 1 month; convict was on bail in the trial court and shall always attend the court proceedings before this court without fail.
4. Considering the fact that ; convict has deposited the fine amount ; convict is ready to deposit the 20% of the compensation amount within 1 month ; mandate of Section 389 of the Cr.P.C, this court deems it fit to use its discretion in favour of the convict, therefore, following order is passed;

: O R D E R :

- ➔ This application u/s 389 of Cr. P. C., is hereby allowed conditionally.
- ➔ The execution of the sentence, inflicted on the present appellant-accused vide impugned order as stated above u/s 138 of the N.I Act, is hereby suspended till the disposal of this appeal on execution of bail bond of **Rs. 10,000-00 (Ten Thousand only)** with one surety of the like amount before Id. trial court.
- ➔ Convict shall deposit the 20% amount of the compensation within 1 month of this order.
- ➔ **Yadi of this order be sent to the Id. trial court at once.**
- ➔ The applicant shall regularly attend the court on each date of hearing and shall also be bound by the terms and conditions enshrined in Section 437 (3) of the Cr.P.C.
- ➔ Pronounced and signed in the open court on today 9th day May, 2024.

Date : 09-05-2024
Place : Khambhat

(Parveen Kumar)
3rd Additional District & Sessions Judge,
Anand @ Khambhat
JUDGE CODE - GJ-01511

Tarun Patel
PS