

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

**CRIMINAL APPEAL NO. 113 /2024**

**ORDER BELOW APPLICATION U/S 389 (2)**

1. The applicant being original accused before the trial court in **Criminal Case No. 1108/2021** was convicted and sentenced to undergo simple imprisonment for **one year (01)** and **fine of Rs. 127500-00** out of which **compensation** to the tune of **Rs 117500-00** shall be paid to the complainant and in default of the same, convict shall further undergo, simple imprisonment for 02 months, vide **order dtd 18/04/2024**. 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; the convict is ready to deposit 20% amount of the fine amount within 30 days ; convict shall always attend the court proceedings pending before this court without fail.
4. Considering the fact that convict is ready to deposit the 20% of the fine amount within 30 days and the 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.

- Convict shall deposit the 20% amount of the FINE AMOUNT within 30 days from the date of this order.
- **Yadi of this order be sent to the Id. trial court at once.**
- Bail bond and surety bond be furnished Id. trial court.
- 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 **20th day**

**May, 2024.**

Date : **20-05-2024**  
Place : Khambhat

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