

ORDER BELOW Ex.4

- 1 The appellant has preferred Criminal appeal u/s 415 of the Bharatiya Nagrik Nyay Sanhita-2023 before this court challenging the order of conviction passed by the Ld.Chief judicial Magistrate, Modasa in Criminal Case No.1628/2013(main) along with Supplementary charge-sheet Criminal case No.2138/2013 and Supplementary charge-sheet Criminal Case No.1776/2014.
- 2 The appellant was convicted by the trial court for the offence punishable under Section 408, 465, 467, 468, 471,474,201,114 of the IPC and u/s 43(1),65,66 of the IPC. Aggrieved by the judgment, the appellant has filed the appeal on various grounds, contending that the conviction is legally unsustainable. In addition, the appellant has filed this application (Ex.4), requesting an interim stay of the conviction order, citing the likelihood of irreparable harm if the conviction remains in effect during the pendency of the appeal.
- 3 I have heard Ld.advocate for the appellant and Ld.PP/Ad.PP for the state at length.
- 4 Upon considering the submissions made by both parties and the material on record, this court finds that the appellant has raised numbers of issues in the appeal, which require careful consideration at the stage of final hearing. Moreover there is bulky record in the appeal and considering the pendency of the case, there is not likelihood of commencement and conclusion of the appeal within near future. This court also recognizes that the stay of the conviction does not affect the final determination of the appeal. The stay is merely an interim relief and the appeal will be decided on its merits after a thorough examination of the evidence and

the law. Considering the aforesaid facts and rights of the appellant, the order of the trial court being necessary to stay. Therefore I pass the following order.

O R D E R

1. The present application Ex.4 is hereby ordered to be granted.
2. the conviction order dated 26.09.2024 passed by the Ld.chief Judicial Magistrate, Modasa in Criminal Case No.1628/2013(main) along with Supplementary charge-sheet Criminal case No.2138/2013 and Supplementary charge-sheet Criminal Case No.1776/2014 is hereby ordered to be stayed until the final disposal of the appeal.
3. Appellant is directed to co-operate in early disposal of the appeal.

Signed and Pronounced in the open Court on this 15th
day of October, 2024.

DATE: 15/10/2024

PLACE: MODASA

MMK

(Mrs.Asha Nileshkumar Anjaria)

Sessions Judge
Arvalli at Modasa
CODE NO.GJ00348