IN THE COURT OF THE SESSIONS JUDGE AT PALANPUR, DIST. BANASKANTHA.

Criminal Appeal No.377/2024

Order Below Ex-5

[1] The present application has been preferred by the accused/appellant for suspension of the sentence of 1 year simple imprisonment for the offence u/s. 325 of I.P.C. and fine of Rs.1,000/- imposed against him by the learned J.M.F.C., Vadgam, in Criminal Case No.338/2019.

[2] Heard the Learned Advocate, Mr. Y. U. Nagori, appearing on behalf of appellant and learned Public Prosecutor Mr. R. P. Vaishnav, appearing for the respondent No.1-State.

[3] L.A. Mr. Y. U. Nagori, appearing for the appellant has submitted that appellant has deposited the amount of Rs.1,000/- before the Court towards fine and produced on record a receipt for the same vide Mark 4/3.

[4] It appears from the record that the Trial Court has sentenced the appellant for a term of 1 year. Thus, the appellant is not convicted of an offence punishable with death or imprisonment for life or imprisonment for a term not less than ten years.

[5] Under the above mentioned circumstances, I am of the opinion that this is the fit case for

suspending the execution of the order of sentence passed by the Lower Court. Accordingly, I pass the following order:

: **ORDER**:

Execution of order of conviction against the appellant in Criminal Case No.338/2019 passed by learned J.M.F.C., Vadgam, dated 16.08.2024 be suspended till final disposal of this appeal subject to the following conditions:

1. The appellant shall file purshish of his full residential address along with necessary proof in this Court, and if there is any change in such address he shall inform about it to this Court in writing.
2. The appellant shall not leave boundaries of Gujarat State without prior permission of this Court.
3. The appellant shall regularly attend the Court proceedings on due dates.

Non-compliance of any of the above conditions shall result in severe consequential orders including cancellation of surety and suspension of sentence.

The appellant-accused be released on bail on executing a personal bond of **Rs.15,000/- (Rupees Fifteen Thousand only)** with one surety of like amount before this Court.

Yadi of this Order be sent to the concerned Court.

Pronounced in open Court today this **19th day of September, 2024**.

PALANPUR ***(Shubhada Krishnakant Baxi*)**
SESSIONS JUDGE,
Date: 19/09/2024 **B.K. DISTRICT, PALANPUR.**
(Code-GJ00377)

VISHAL