
ORDER BELOW EXH.4 in CRIMINAL APPEAL NO.03/2025

1. The appellant - original accused person has preferred the captioned appeal against the Judgment and Order dated 09.12.2024 passed in the C.C. No.2000/2024 by the Ld. Trial Court convicting and sentencing the appellant/accused person to 02 years simple imprisonment for the offence punishable U/S.138 of the Negotiable Instrument Act and also ordered to pay Rs.1,71,261/- to the complainant and in default of payment, further 06 months simple imprisonment to the accused.
2. Ld. Adv. Mr. M. B. Bhatt for the appellant - accused has submitted that the Trial Court vide order dated 09.12.2024 stayed the execution and operation of the impugned Judgment and Order till appeal period and the appeal is preferred on 02.01.2025. The appeal is presented in Registry within limitation period. The appellant/accused is present. Ld. Adv. for the accused further submitted that, the hearing and disposal of Criminal Appeal is likely to take time. Under the circumstances, it is submitted to suspend the operation and execution of the sentence of imprisonment of the appellant till the disposal of criminal appeal.
3. Heard both the sides. The appellant is ordered to undergo 02 years' imprisonment for the offence punishable U/S.138 of the Negotiable Instrument Act and also ordered to pay Rs.1,71,261/- to the complainant and in default of payment, further six months simple imprisonment to the accused by the Ld. Trial Court after convicting. Hearing and disposal of the criminal appeal is likely to take time. Thus, the prayer for suspending the sentence till the final disposal of criminal appeal is allowed conditionally and following order is passed in the interest of larger justice:

: ORDER :

- i. The execution and operation of the sentence of the imprisonment passed by the Ld. Trial Court in C.C. No.2000/2024 is suspended till the final disposal of the Criminal Appeal.
- ii. The appellant shall remain present on the dates of hearing of the criminal appeal.
- iii. Appellant shall execute a personal bond of Rs.25,000/- and shall furnish a surety of the like amount latest by 07.02.2025 before this Court.
- iv. The appellant is also ordered to deposit 20% amount of the cheque within 28 days from the date of this order.
- v. The appellant shall disclose present and permanent residential address with mobile number before this Court and shall not change the same without the prior permission of this Court.
- vi. Application stands disposed of accordingly.
- vii. R & P of the Ld. Trial Court be called for by the Registry.

Pronounced and signed, today, on this 09th Day of January, 2025.

Dt.09/01/2025
Place : Dahod

(Harshad Shamrao Khutwad)
3rd Additional Sessions Judge,
Dahod - GJ 00724.