

CRIMINAL APPEAL NO. 26 OF 2024.
ORDER BELOW EXH.4

1. The appellant - original accused has preferred the captioned Appeal against the Judgement and Order dated 9-2-24 passed in C.C. No. 5256/2021 by the Trial Court convicting and sentencing the appellant / accused to two years simple imprisonment under section 138 of the N.I. Act with fine of Rs. 11.70 lacs and default claus.

2. Ld. Advocate Mr. K N. Kavaiya for the accused has submitted that the Trial Court vide Order dated 9-2-24 stayed the execution and operation of the impugned Judgement and Order till 9-3-24 and the Appeal is preferred on 7-3-24. The Appeal is presented in Registry within limitation period. The appellant / accused is present. Ld. Advocate further submitted that, the appellant is ready and willing to deposit 20% of the fine amount as ordered by the Trial Court by 9-2-24. Ld. Advocate 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 simple imprisonment of the appellant till the disposal of criminal appeal.

Ld. APP Mr. D S. Parmar has filed appearance note on behalf of State and submitted to pass an appropriate order in the matter.

3. Heard Ld. Advocate Mr. K N. Kavaiya for the accused and Ld. APP for the

State. The appellant is ordered to undergo simple imprisonment for 2 years by the Trial Court after convicting u/s. 138 of N.I. Act. The appellant is ready and willing to deposit 20% of the fine amount before the Nazir of this Court within reasonable period. 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 :

ORDER

- The execution and operation of the sentence of simple imprisonment passed by Ld. Trial Court in C.C. No. 5256/2021 on 9-2-24 is suspended till the final disposal of the criminal appeal on a condition to deposit 20% of the fine amount as per the Order of the Ld. Trial Court before the Nazir of this Court within a period of 60 days from today.
- The appellant shall remain present on the dates of hearing of the criminal appeal.
- Appellant shall execute a personal bond of Rs. 10,000/- and shall furnish a surety of the like amount latest by 12/4/2024 before this Court.
- The appellant shall deposit passport before the Nazir latest by 12-4-24 and if the appellant does not have passport or the same is deposited in connection with any

other case, the same shall be disclosed on affidavit before this Court. 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.

- Application stands disposed off accordingly.
- R and P of the Ld. Trial Court be called for by the Registry.

Signed and pronounced in the open Court today this **6th day of April, 2024.**

Nikhil Dayanand. Joshi.
2nd Additional Sessions Judge,
Dahod.
UID No. GJ 01502.