

Criminal Appeal No. 28 of 2024

Order Below Exh - 4 Application filed u/s 389(1) of Cr.P.C.

1. Ld. Advocate Mr. S. V. Malek appearing for the appellant has submitted that the Ld. Trial Court has convicted and sentenced the appellant to undergo imprisonment of Seven Years and fine vide Judgment and Order dated 04.03.2024. It is submitted that the Ld. Trial Court has suspended the sentence for the appeal period. The appellant is residents of Kaldas Marg, At, Tal. & Dist. Jhambua, Madhya Pradesh and having movable and immovable property in his name, he is not likely to flee, if the sentence is suspended by this Court. The appellant is ready and willing to abide by the conditions that may be imposed by this Court. Hearing and disposal of Appeal is likely to take time. Thus, Ld. Advocate Mr. S. V. Malek appearing for the appellant submitted to suspend the sentence during the Appeal period.
2. Ld. Spe. P. P. Mr. A. R. Chauhan appearing for the State has submitted that the appellant is convicted and sentenced by the Ld. Trial Court. If the sentence is suspended there are all the chances that the appellant may misuse the liberty. Looking to his

conduct before the Trial Court, during the trial accused may not be released on bail. Ld. Spe. P. P. Mr. A. R. Chauhan submitted to impose appropriate conditions while suspending the sentence.

3. Heard Ld. Advocate Mr. S. V. Malek for the appellant and Ld. Spe. P. P. Mr. A. R. Chauhan for the State. The appellant is sentenced to imprisonment for Seven Years by the Ld. Trial Court. Amount of fine is already paid by the appellant. Hearing and disposal of Appeal is likely to take time. The appellant through his Ld. Advocate has shown readiness and willingness to abide by the conditions that may be imposed by this Court.

Thus, considering the above, following final Order is passed.

:: O R D E R ::

- I. Application is partly allowed. The sentence of imprisonment for Seven years passed by the Ld. Trial Court against the appellant vide Judgment and Order dated 04.03.2024 passed in C.C. No. 761/2023 is hereby suspended till final disposal of captioned Appeal on following conditions:
 - (1) The appellant shall furnish a surety of Rs. 25,000/- with personal bond of identical amount.
 - (2) The appellant shall remain present on every

date of hearing.

(3) The appellant shall deposit his passport before the Registry of this Court. If he does not possess the passport, an affidavit to that effect be filed.

(4) The appellant shall not leave India without prior permission of this Court.

II. Application stands disposed off.

Yadi of this Order be sent to the Ld. Trial Court.

Record and Proceedings of the Ld. Trial Court be called forthwith.

Signed & pronounced today in open Court on this 12th March, 2024.

Dt.12.03.2024
Place : Dahod

(Prerana C. Chauhan)
Additional Sessions Judge &
I/c. 2nd Addl. Sessions Judge,
Dahod.
(UIC No.GJ-00516)

T. N. Patel