

**CRIMINAL APPEAL NO. 41 OF 2024.**  
**ORDER BELOW EXH.4**

1. The appellants - original accused have preferred the captioned Appeal against the Judgement and Order dated 22-3-24 passed in C.C. No. 1288/2022 by the Trial Court convicting u/s 324, 323 and 114 of IPC and sentencing the appellants / accused to maximum one year simple imprisonment and imposing total fine of Rs. 6,000/- on each of the appellant herein.

2. Ld. Advocate Mr. C B. Ninama has appeared for the appellants and submitted that the Trial Court has vide Order dated 22-3-24 stayed the execution and operation of the impugned Judgement and Order till Appeal period and the Appeal is preferred on 8-4-24. The Appeal is presented in Registry within limitation period. The appellants / accused are present. Ld. Advocate Mr. Ninama further submitted that, the appellants have paid the amount of fine. Ld. Advocate Mr. Ninama further submitted that, the hearing and disposal of Criminal Appeal is likely to take time. Under the circumstances, Ld. Advocate Mr. C B. Ninama submitted to suspend the operation and execution of the sentence of simple imprisonment of the appellants till the disposal of criminal appeal.

3. Heard Ld. Advocate Mr. C B. Ninama for the appellants and Ld. APP Mr. J R. Lalpurwala for the State. The appellants are ordered to undergo simple

imprisonment for one year by the Trial Court after convicting u/s. 323, 324 and 114 of IPC. Sentences are ordered to run concurrently. The appellants have already paid the amount of fine. 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. 1288/2022 on 22-3-24 is suspended till the final disposal of the criminal appeal on following conditions:
  
- The appellants shall remain present on the dates of hearing of the criminal appeal.
  
- Appellants shall execute a personal bond of Rs. 10,000/- and shall furnish a surety of the like amount latest by 29/4/2024 before this Court.
  
- The appellants shall deposit passport before the Nazir latest by 29-4-24 and if the appellants do 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 appellants 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 **22<sup>nd</sup> day of April, 2024.**

**Nikhil Dayanand. Joshi.**  
2<sup>nd</sup> Additional Sessions Judge,  
Dahod.  
**UID No. GJ 01502.**