
ORDER BELOW EXH.4 IN CRIMINAL APPEAL NO.77/2024

1. The appellant - original accused person has preferred the captioned appeal against the Judgment and Order dated 31.07.2024 passed in the C.C. No.1175/2023 by the Ld. Trial Court convicting and sentencing the appellant/accused person to 06 months imprisonment for the offence punishable U/S.323 of IPC and 2 years imprisonment for the offence punishable U/S.325 of IPC with penalty of Rs.1,000/- and in default of payment of penalty, further 30 days simple imprisonment to the accused. Further, the accused was ordered to pay Rs.10,000/- to the complainant/injured witness withing 10 days and in default of payment, further 03 months simple imprisonment to the accused.
2. Ld. Adv. Mr. P. K. Kaklotar for the appellant - accused has submitted that the Trial Court vide order dated 31.07.2024 stayed the execution and operation of the impugned Judgment and Order till appeal period and the appeal is preferred on 27.08.2024. 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 06 months imprisonment for the offence punishable U/S.323 of IPC and 2 years imprisonment for the offence punishable U/S.325 of IPC with penalty of Rs.1,000/- and in default of payment of penalty, further 30 days simple imprisonment to

the accused. Further, the accused was ordered to pay Rs.10,000/- to the complainant/injured witness within 10 days and in default of payment, further 03 months simple imprisonment to the accused by the Ld.Trial Court after convicting. The appellant has deposited the amount of fine and compensation in the Ld. Trial Court. 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.1175/2023 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.15,000/- (Rupees Fifteen Thousand only) and shall furnish a surety of the like amount latest by 24.10.2024 before this Court.
- iv. 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.
- v. Application stands disposed of accordingly.
- vi. R & P of the Ld. Trial Court be called for by the Registry.

Signed and Pronounced in the open Court, today, on this 18th Day of October, 2024.

Date:18/10/2024
Place : Dahod

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