
CRIMINAL APPEAL NO.88/2024
ORDER BELOW EXH.4

1. The appellant - original accused has preferred the captioned appeal against the Judgment and Order dated 26.09.2024 passed in the C.C.No.148/2020 by the Ld. Trial Court convicting and sentencing the appellant/accused to 02 years imprisonment for the offence punishable under Section-138 of the N.I.Act with penalty of Rs.6,50,000/- and in default of deposit of amount of penalty further 06 months simple imprisonment.
2. Ld. Adv. Mr. J.P.Dixit for the accused has submitted that the Trial Court vide order dated 26.09.2024 stayed the execution and operation of the impugned Judgment and Order till next 30 days and the appeal is preferred on 16.10.2024. 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, Ld. Adv. Mr. J.P.Dixit for the accused. The appellant is ordered to undergo imprisonment for 02 years by the Ld.Trial Court after convicting U/s.138 of N.I.Act. 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.148/2020 is suspended till the final disposal of the Criminal Appeal with a condition to deposit 20% of the total compensation amount as per the Order of the Ld. Trial Court before the Nazir of this Court within a period of 30 days from today.

- 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 28.10.2024 before this Court.
- iv. The appellant shall submit self attested copy of his passport 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.
- v. Application stands disposed off 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 24th Day of October, 2024.

Date:24/10/2024
Place : Dahod

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