



ORDER PASSED BELOW Exh.-5

In

CRIMINAL APPEAL No. 106/2026

The Ld. Trial Judge, 5th Addition Chief Judicial Magistrate, Jamnagar had convicted the Accused for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, for 1 Years simple imprisonment and to pay fine of Rs.1,69,000/- and in failure of the payment of compensation, the accused shall undergo more 03 Months simple imprisonment in default of payment, in Criminal Case No. 13881/2024 vide Judgment and Order dated 02/02/2026. The said Judgment & Order is challenged by the present Appellant / Accused - Convict and has also filed an application at Exh.-5, for stay the order of sentence.

The Ld. Advocate Mr.K.P.Gohil for the Appellant has submitted that the cheque was of Rs.1,69,000/- and the Appellant is ready and willing to deposit about 20% of cheque amount Rs.33,800/- within 30 days from today and has also filed Affidavit at Exh.-6 in that regard and requested to stay the execution of sentence of imprisonment. The Ld. Advocate for the Appellant has submitted that the

matter requires consideration on appreciation of evidence and applicability of law. In light of such submission and the fact that the Appellant has filed Affidavit that the Appellant is ready and willing to deposit Rs.33,800/- in 30 days from today in concerned Trial Court, it will be just and proper to stay the implementation of impugned Judgment and Order dated 02/02/2026 and execution of sentence of imprisonment passed in Criminal Case No. 13881/2024, till next returnable date. In the humble opinion of this Court, if following order will be passed, then it will be in the interest of justice. Hence, I pass following order to meet the end of justice :

-:: ORDER ::-

- **Notice to Respondents returnable on dated 06/04/2026.**
- **The Appellant / Convict shall deposit Rs.33,800/- in 30 days from today in Court, as per his affidavit at Exh.-6, in the concerned Trial Court and on that condition, the implementation of impugned Judgment and Order dated 02/02/2026 and execution of sentence of imprisonment passed in Criminal Case No.**

13881/2024, by 5th Additional Chief Judicial Magistrate, Jamnagar is stayed, till next returnable date.

- **On depositing the above amount, the Hon'ble Chief Judicial Magistrate, at Jamnagar, is requested to fix deposit the said amount in any nationalized bank initially for 1 year, having auto renewal facility annually, till final disposal of this Appeal.**
- **The Appellant shall furnish surety of Rs.25,000/- and personal bond of like amount, with condition that the Appellant / Convict (1). shall remain present personally on every dates of this appeal; (2). shall deposit his passport in the Hon'ble Trial Court within 7 days and; (3). shall not leave India without permission of this Court.**
- **The bail bonds shall be executed before the concerned Trial Court.**

The accused and surety shall declare all details of surety like amount of surety, property under surety, address, telephone/mobile numbers, email address etc. by pursis before this Court within 7 days.

- **Yadi, alongwith the Copy of this Order be sent to the concerned Hon'ble Magistrate.**

Signed, pronounced and declared in the Open Court on this 5th day of March, 2026, at Jamnagar.

Date : 05/03/2026

Place : Jamnagar

(K. Yadav)

(Rasikkumar V. Mandani)

3rd Addl. Sessions Judge
Jamnagar. (Code : GJ00715)