

CRIMINAL APPEAL NO. 247 OF 2025

ORDER BELOW EXH.4

1. Perused the application. Heard learned Advocate for the appellant-accused. Considered the provisions of Section 430(1) of the Bhartiya Nagarik Suraksha Sanhita, 2023.

2. The appellant- accused Nanjibhai Ladhahbai Songara has been convicted by the learned Judicial Magistrate (First Class), Lalpur, Jamnagar for the offence punishable under Section 25(1-B) of the Arms Act as well as Section 135(1) of the G.P.Act (for short, **“the Code”**) in Criminal Case No.1805 of 2021 by judgment and order dated 19-04-2025. On such conviction, he has been sentenced to undergo simple imprisonment for a period of three years and to pay fine of Rs. 5100/- in default of payment, to undergo simple imprisonment for a period of Six months and fifteen days. Against the said judgment and order, the appellant – accused Nanjibhai Ladhahbai Songara has

preferred the present appeal. Along with the appeal, the appellant - accused has made the present application for suspension of sentence imposed upon him.

3. In the case of **Atul @ Ashutosh Vs State of Madhya Pradesh**, Criminal Appeal No. 579 of 2024, the Hon'ble Supreme Court of India has noted that, when there is a fixed term sentence and especially when the appeal is not likely to be heard before completing the entire period of sentence, normally suspension of sentence and bail should be granted. Moreover, in the case of **Satyendra Kumar Mehra @ Satendera Kumar Mehra Versus State of Jharkhand, 2018 (0) AIJEL-SC 61960**, the Hon'ble Supreme Court of India has clarified that, the Appellate Court, while exercising power under Section 389 of the Code of Criminal Procedure, 1973, can suspend the sentence of imprisonment as well as of fine without any condition or with conditions.

4. Considering the aforesaid reasons, I pass the following order.

ORDER

1. The present application is allowed.
2. The execution of the sentence passed by the learned Judicial Magistrate (First Class), Lalpur, Jamnagar, in judgment and order dated 19-04-2025 in Criminal Case No.1805 of 2021 is suspended.
3. The appellant – accused Nanjibhai Ladhahbai Songara stands released on bail subject to the following conditions:
 - (a) He shall furnish bond in the sum of Rs.1,00,000/- with one surety of like amount before the learned Trial Court within seven days.
 - (b) He shall remain present on all the dates

notified for the appeal either personally or through his authorized Advocate.

- (c) He shall furnish complete residential address of himself and that of the surety along with the proof like latest electricity bill.
- (d) He shall furnish the contact number of self as well as that of his surety.
- (e) He shall furnish the details of his nearest police station as well as that of his surety.
- (f) He shall not change his residential address without seeking permission of this Court.

5. Copy of this order be sent to the learned Trial Court.

Pronounced in the open Court today i.e. 07th May, 2025.

Place : JAMNAGAR

I/c. 3rd Additional District And
Sessions Judge.

Date : 07-05-2025