



ORDER PASSED BELOW Exh.-4
In
CRIMINAL APPEAL No. 329/2026

The Ld. Trial Judge, 4th Addl. Chief Judicial Magistrate, Jamnagar had convicted the Accused for the offence punishable under Section 138 of Negotiable Instruments Act, 1881, for 2 Years simple imprisonment and to pay compensation of Rs.6,08,709/- and in failure of the payment of the same, the accused shall undergo more 6 Months simple imprisonment in default of payment, in Criminal Case No. 285/2025 vide Judgment and Order dated 20/11/2025. The said Judgment & Order is challenged by the present Appellant / Accused - Convict and has also filed an application at Exh.-4, for stay the order of sentence.

The Ld. Advocate Mr.R.D. Gosai for the Appellant has submitted that the cheque was of Rs.6,38,709/- and the Appellant is ready and willing to deposit about 20% of cheque amount (Rs.1,27,742/-) and requested to stay the execution of sentence of imprisonment. The Appellant is already in the custody of jail. 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 Ld. Advocate for the Appellant has submitted that the Appellant is ready and willing to deposit Rs.1,27,742/- in concerned Trial Court. It will be just and proper to stay the implementation of impugned Judgment and Order dated 20/11/2025 and execution of sentence of imprisonment passed in Criminal Case No.285/2025, 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 ::-

- **The implementation and execution of sentence Order dated 20/11/2025 of imprisonment passed in Criminal Case No.285/2025, by Ld. 4th Additional Chief Judicial Magistrate, Jamnagar, is stayed after depositing 20% of Cheque amount Rs.1,27,742/-, till next returnable on date.**
- **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 09th day of June, 2026, at Jamnagar.

Date : 09/06/2026

Place : Jamnagar

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

/// K.Yadav ///