

Order below Exh.5

1. Upon the institution of the present appeal under Section 415 of BNSS against the order of conviction, the appellant, who is the original accused, has submitted separate application seeking a stay on the implementation of the said Judgment and order of conviction, and for granting him bail as provided under section Sec.430(1) of BNSS. Upon institution of the present appeal, notice was issued to the other side. In response, respondent No.1-State appeared through the Ld.P.P and the Ld.Advocate for respondent No.2 remained present.

2. Heard, perused the record and Judgment passed by the learned Trial Court, whereby the appellant has been convicted for the offence punishable u/s.138 of The Negotiable Instrument Act. Considering the facts and circumstances of the present case, and in view of section 148 of The Negotiable Instrument Act, at this stage, the Judgment and order of conviction passed by the learned 2nd Additional Chief Judicial Magistrate, Mahesana in Criminal Case No.2715/2020, dated 08-08-2025 is required to be stayed/suspended. Accordingly, following order is passed.

ORDER

- The judgement and order passed by the learned 2nd Additional Chief Judicial Magistrate, Mahesana in Criminal Case No.2715/2020 of dated 08-08-2025 is suspended till final disposal of the appeal subject to deposition of 20% amount of the ordered cheque amount before the Nazir of District Court, within 60 days.

- The appellant/accused is hereby enlarged on bail, on furnishing personal bond of Rs.50,000/- and surety of the like amount before this Court on the following terms and conditions :

1. The appellant/accused shall remain personally present before the court regularly and shall co-operate for the expeditious disposal of the appeal.
2. The appellant shall furnish his permanent address, along with a copy of Aadhar Card and mobile number.
3. If the accused changes his address or mobile number, he shall be responsible for informing the court.
4. The appellant shall surrender his original passport before this court, if he does not possess passport, he shall be pass the pursis to that effect.

Ld. Trial Court is hereby directed to send the R & P of Criminal Case No.2715/2020, after classifying it as per the Criminal Manual.

Copy of this order be sent to the Ld. Trial Court.

Signed and pronounced in the open Court on this 6th day of September, 2025.

Date:06/09/2025
Place:Mahesana

(R.L. Jadeja)
8th Additional Sessions Judge
Mahesana
Code: GJ01074