

Order Below Exh.-05 In Criminal Appeal No. 587 of 2024

- (1)... Heard L.A. for the appellant. By way of this appeal u/s.374 of Cr.P.C., the appellant/accused has challenged the legality and validity of impugned judgment and order Dtd. : 04/10/2023 passed by the learned 9th Judicial Magistrate First Class, Mahesana in Criminal Case No. 7345/2018, convicting the accused by way of sentencing him one year's simple imprisonment for the offence u/s.138 of the Negotiable Instruments Act and to pay cheque amount of Rs. 4,50,000/- (Rupees Four Lacs Fifty Thousand Only) as compensation to the complainant within 30 days from the said order and in default thereof, ordered further three month's simple imprisonment. The appellant has filed this application u/s. 403 of B.N.S.S. for suspension of the impugned order and for enlarging him on bail, pending the appeal. Pursuant to the notice to the opponents Ld.Addl. P.P. Mr. B.G.Patel appeared on behalf of Opponent No. 2 - The State of Gujarat and pursuant service of notice served to Opponent No. 1 - Original Complainant, Ld.Advocate Mr. M.M.Pathan appeared.
- (2)... Considering the provision of Section 148-A(2) and (3) of The Negotiable Instruments (Amendment) Act, 2018, the implementation and operation of impugned order and judgment is stayed only on a condition that the appellant/ accused deposits **20% (Twenty Percent)** amount of the cheque amount before the Nazir of this Court within **60(Sixty)** Days. Accordingly, pending admission, hearing and final disposal of this appeal, the implementation, execution and operation of the impugned judgment and order, is suspended till final disposal of the appeal subject to the above condition and the appellant - **Solanki Pravinbhai Jethuji** is ordered to be released on bail on furnishing surety of **Rs. 50,000/- (Rupees Fifty Thousand Only)** and personal bond of like amount before this Court with usual condition to attend the Court regularly and not to commit any other offences and also with condition to surrender his original passport before this court. If he does not possess passport, he shall pass the pursis to that effect.

Date : 05-10-2024
Place: Mahesana

(Jitendra Rameshchandra Shah)
Sessions Judge
Mahesana
UIC No.GJ01044