

Order Below Exh.-05 In Criminal Appeal No. 544 of 2023

(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.: 27/10/2023 passed by the learned 3rd Additional Chief Judicial Magistrate, Mahesana in Criminal Case No. 2503/2016, convicting the accused by way of sentencing him to one year simple imprisonment for the offence u/s.138 of the Negotiable Instruments Act and to pay compensation to the tune of Rs. 25,00,000/- (Rupees Twenty Five Lakh Only) to the complainant within 30 days and in default thereof, ordered further three month's simple imprisonment. The appellant has filed this application u/s.389 of Cr.P.C. 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 to Opponent No. 1- Original Complainant, Ld. Advocate Mr. H.R.Bhavsar appeared and made the endorsement on this interim application that he has no objection if accused is released on bail as compromise took place between the parties.

(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 compensation 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 - **Jayprakash Kishanchandra Rav** 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, 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 : 01-12-2023
Place : Mahesana

(RIZVANA BUKHARI)
Sessions Judge
Mahesana
UIC No.GJ00916