

IN THE COURT OF SESSIONS JUDGE, MORBI.

GJMR010012222026

**Criminal Appeal No.73/2026****-:: Order Below Application at Exhibit 4 ::-**

- 1) The appellant herein has preferred the present appeal against the conviction order passed by the Court of Learned Additional Judicial Magistrate First Class at Morbi, in Criminal Case No.1020/2025, on 20/02/2026.
- 2) The appellant herein has filed the present application at Exh.4, for releasing him on regular bail pending the appeal, and also prayed to suspend the judgement and order of the Learned Trial Court, till final disposal of this appeal.
- 3) Upon due service of notice, the respondent has appeared before the Court through his learned Advocate Mr. C. D. Karia and contested the present appeal.
- 4) In the present application, it is submitted by the appellant / accused that, the Learned Additional Judicial Magistrate First Class at Morbi has convicted him for the offence punishable u/s.138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for one year and also ordered the accused to pay Rs.40,00,000/- being double the amount of disputed cheque as fine and out of the said amount of fine, the amount of disputed cheque along with interest @ 9% p.a. from the date of

filing of complaint till its payment, be paid to the complainant, and in default of payment of the fine, he shall undergo further simple imprisonment for a period of ninety days. It is submitted that, the applicant was not present before the Court on the date of pronouncement of the conviction judgement by the learned Trial Court i.e. on 20/02/2026 and thereafter, the appellant appeared before the Court and he was sent to judicial custody and since then, he is in judicial custody. It is further stated that, the appellant is residing at the address shown in the application and therefore, he may not run away or abscond during the pendency of appeal. It is further submitted that, the appellant has filed the present appeal against the conviction order passed by the Learned Trial Court and therefore, it is requested to grant a fresh bail to the appellant / accused, till the final disposal of the appeal. It is further requested to suspend the judgment and order of the Trial Court.

- 5) Heard the Learned Advocates appearing on behalf of the parties and on perusal of the record, it is admitted fact that, the Court of Learned Additional Judicial Magistrate First Class at Morbi, has convicted the appellant / accused for the offence punishable u/s.138 of the Negotiable Instruments Act, and sentenced him to undergo simple imprisonment for one year and also ordered the accused to pay Rs.40,00,000/- being double the amount of disputed cheque as fine, and out of the said amount of fine, the

amount of disputed cheque along with interest @ 9% p.a. from the date of filing of complaint till its payment, be paid to the complainant, and in default of payment of the fine, he shall undergo further simple imprisonment for a period of ninety days. The appellant / accused is permanently residing at the address shown in the application and he has assured the Court that, if he is released on regular bail, he will abide by the conditions imposed by this Court. It further appears that, the Learned Trial Court passed the conviction order on 20/02/2026 and sentenced the appellant / accused for less than three years of imprisonment. Thus, in view of the above, it appears to this Court that, this is a fit case in which the discretionary powers is required to be used in favour of the appellant / accused. Therefore, in the interest of justice and in view of the provisions made u/s.430(3) of B.N.S.S., following order is passed.

-:: ORDER ::-

- [1] The execution of the conviction order, dtd.20/02/2026, passed by the Learned Additional Judicial Magistrate First Class at Morbi, in Criminal Case No.1020/2025, is hereby ordered to be suspended till final disposal of this appeal.
- [2] The appellant/accused, namely, **Devendrabhai Narshibhai Detroja**, is ordered to be released on bail, till final disposal of this appeal, on furnishing a bond of **Rs.25,000/- (Rupees Twenty Five Thousand Only)**, with his recent self-attested Photograph and one surety of alike amount,

before this Court, on following conditions :-

- (i) The appellant/accused shall deposit in this Court, 20% of the amount of fine as mentioned in order of Learned Trial Court, within 10 days of this order.
 - (ii) The appellant/accused shall remain present before the Court regularly, till the final disposal of the appeal.
 - (iii) The appellant shall provide his residential address and Mobile Number at the time of execution of a bond and, shall not change his residence & Mobile Number without the prior permission of this Court till final disposal of the appeal or till further orders;
- [3] A copy of this order be sent to the Learned Trial Court, immediately.

Signed and pronounced in the open Court today on this 23rd day of April, 2026.

Place :- Morbi
Date :- 23/04/2026

(K. R. Pandya)
I/c. Sessions Judge,
Morbi
Judge Code GJ00739

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