

IN THE COURT OF SESSIONS JUDGE, MORBI.

GJMR010016472026

**Criminal Appeal No.134/2026****-:: Order Below Application at Exhibit-4 ::-**

- 1) The appellant through his Learned Advocate Mr. A. A. Mathakiya, has preferred the present appeal against the conviction order passed by the Court of Learned Additional Chief Judicial Magistrate at Halvad, in Criminal Case No.736/2022, on 05/05/2026.
- 2) The appellant herein has filed the present application at Exhibit-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) In the present application, it is submitted by the appellant / accused that, the Learned Additional Chief Judicial Magistrate at Halvad has convicted the accused for the offence punishable under Section 138 of the Negotiable Instruments Act, and sentenced him to undergo imprisonment for one year and also imposed a fine of Rs.6,50,000/-, with a further sentence of six months' imprisonment in default of payment of the fine. It was further directed that the fine amount shall be recovered from the accused as arrears of land revenue in accordance with Section 421 of the Code of Criminal Procedure, and that, out of the fine so recovered, a sum of Rs.6,50,000/-

shall be paid to the complainant as special compensation in terms of Paragraph 209 of the Criminal Manual. It is submitted that, thereafter, the appellant applied for bail till appeal period before the Learned Trial Court on 12/05/2026 and the Learned Trial Court ordered to release the appellant on bail till appeal period on 12/05/2026. 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 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.

- 4) 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 Chief Judicial Magistrate at Halvad, has convicted the appellant / accused for the offence punishable u/s.138 of the Negotiable Instruments Act, and sentenced him to undergo imprisonment for one year and also imposed a fine of Rs.6,50,000/-, with a further sentence of six months' imprisonment in default of payment of the fine. It was further directed that the fine amount shall be recovered from the accused as arrears of land revenue in accordance with Section 421 of the Code of Criminal Procedure, and

that, out of the fine so recovered, a sum of Rs.6,50,000/- shall be paid to the complainant as special compensation in terms of Paragraph 209 of the Criminal Manual. 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 05/05/2026 and sentenced the appellant / accused for less than three years of imprisonment. Thus, in view of the above, this Court finds it appropriate to exercise its discretion in favour of the appellant/accused. Therefore, in the interest of justice and in view of the provisions made u/s.430(1) of B.N.S.S., following order is passed.

-:: **ORDER** ::-

- [1] The present application at Exhibit-4, filed by the appellant, **Sherasiya Najarudin Nurmamad, Proprietor of Bharatiya Trading Co.**, is hereby allowed.
- [2] The execution of the conviction order, dtd.05/05/2026, passed by the Learned Additional Chief Judicial Magistrate at Halvad, in Criminal Case No.736/2022, is hereby ordered to be suspended till final disposal of this appeal.
- [3] The appellant / accused, namely, **Sherasiya Najarudin Nurmamad, Proprietor of Bharatiya Trading Co.**, 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 the Learned Trial Court, 20% of the fine as mentioned in order of Learned Trial Court, within 2 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;

[4] A copy of this order be sent to the Learned Trial Court, immediately.

Signed and pronounced in the open Court today on this **25th day of June, 2026.**

Place :- Morbi

Date :- 25/06/2026

(Bhoomika Kanaiyalal Chandarana)

I/c. Sessions Judge,
Morbi

Judge Code GJ00671

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