

BEFORE THE PRINCIPAL DISTRICT & SESSIONS
JUDGE at PORBANDAR

Order Below Exh.4 in Criminal Appeal No.59/2026

1. Present appeal has been filed against judgment of conviction passed by the Learned Judicial Magistrate First Class, Porbandar in Criminal Case No.5717 of 2024 on 23.02.2026 whereby the appellant has been held guilty of having committed offence under Section 138 of Negotiable Instruments Act and the sentence and fine/compensation imposed by Ld. Trial Court is as under:-

Imprisonment	:	Two Years.
Fine	:	Rs.1,00,000/-.
Imprisonment in default of fine	:	6 Months.
Compensation to the original complainant	:	Rs.50,000/- along with simple interest at the rate of 9% i.e. 4,500/-

2. It is submitted by Learned Advocate for the appellant that the appellant has *prima-facie* strong case in appeal and there is high probability on the part of appellant to succeed in appeal, therefore order of trial court is required to be suspended and the appellant may kindly be released on bail till the disposal of this appeal.
3. I have perused the appeal memo and Judgment passed by the Learned Trial Court. Prima-facie it seems that, mixed questions of law and facts are involved in present appeal which would require re-appreciation of evidence after hearing the matter on merits. The present appellant has been on bail during the trial. Hence, in view of the provision of Sec.430 of BNSS read with Sec.148 of N.I. Act, following order is passed:-

-// O R D E R \\\-

- (a) The present application Ex.4 is allowed. The order imposing sentence & fine/compensation passed by learned Trial Court in Criminal Case No.5717/2024 on 23.02.2026 is hereby suspended till final disposal of this appeal and the appellant is ordered to be released on bail till the disposal of this appeal upon furnishing surety of Rs.25,000/- and personal bond of like amount before learned Trial Court subject to following conditions:-

Conditions:-

1. Appellant shall remain present on each and every date of appeal regularly;
 2. shall surrender his passport or execute an affidavit declaring that he does not hold a passport, within 7 days from the date of this order;
 3. shall furnish his address as well as the address of the surety along with authentic proof & contact number at the time of execution of bond and shall not change his residence without prior permission of the Court.
 4. Further, in view of Section 148 of the Negotiable Instruments Act, in addition to any interim compensation that may have been paid by the appellant under section 143A of N.I. Act, the appellant is further directed to deposit 20% of the compensation imposed by the Ld. Trial Court (20% of Rs.1,00,000/-) before this Court within 60 days from the date of this order.
- (b) Yadi of this order be sent to the concerned Trial Court and police station.

Signed and pronounced in the open Court today
on this **23rd DAY OF MARCH, 2026 at PORBANDAR.**

Date:- 23.03.2026
Place:- Porbandar

(**M. A. BHATTI**)
Principal District & Sessions Judge,
P O R B A N D A R
Code No. **GJ01506**