

**BEFORE THE PRINCIPAL DISTRICT & SESSIONS**  
**JUDGE at PORBANDAR**

**Order Below Exh.4 in Criminal Appeal No.28/2026**

1. The present Criminal Appeal is preferred against the Judgment and order of conviction dated 15.01.2026 passed in Criminal Case No.3873 of 2024 whereby the Learned Principal Senior Civil Judge & Additional Chief Judicial Magistrate, Porbandar has convicted the present appellant under section 138 of Negotiable Instrument Act with One Year of simple imprisonment and directed him to pay Rs.24,00,000/- to the complainant as compensation.
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. Ld. Advocate for the original complainant has made an endorsement that this application may be allowed subject to directing the appellant to deposit 20% of the amount awarded by the Ld. Trial Court.
4. 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 offence for which the appellant is found guilty is a technical offence wherein the

maximum term of punishment is imprisonment for two years. The present appellant has been on bail during the trial and the complainant side has no objection to grant of bail till the disposal of appeal subject to directing the appellant to deposit 20% of the amount awarded by the Ld. Trial Court. 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.3873/2024 on 15.01.2026 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 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.24,00,000/-) 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 **11<sup>th</sup> DAY OF FEBRUARY, 2026 at**  
**PORBANDAR.**

Date:- 11.02.2026  
Place:- Porbandar

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