

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
PANCHMAHALS AT HALOL.**

**CRIMINAL APPEAL NO. 10/2022**

**ORDER BELOW EX. 4**

1. The appellants being original accused persons before the trial court in Criminal Case No.1436/2003 who convicted and sentenced to undergo simple imprisonment for three years and fine for Rs.5,000/- to each applicant as described in this application, which judgment is challenged by the accused under this appeal and inter-alia filed this application vide Exh.4 u/s 389 (1) Cr.P.C., for suspension of sentence, pending the appeal.
2. Heard Id. Advocate/Id. APP for the respective parties. The Trial Court has suspended the alleged sentence u/s 389(3) Cr.PC for the accused No.2. Accused No.1 had not remained present before the Trial Court while pronouncing the Judgment therefore, the Trial Court has issued warrant against him subsequently, accused No.1 surrendered himself before the Trial Court and trial Court has sent him in the judicial custody and as such, the accused No.1 is in judicial custody. The sentence awarded is for 3 years. Looking to the backlog of this court, accused No.1 has produced letter of Employees' Provident Fund Organisation at M-7/3 shows that recovery for the levy amount has been made by the concerned office. Looking to these facts as well as this appeal may take reasonable time to dispose of. Hence, in the interest of justice, this application is required to be allowed. Hence, I pass the following order;

**: O R D E R :**

- This application Ex. 4 u/s 389 (1) of Cr. P. C., is hereby allowed.
- The execution and implementation of the judgment of conviction and order of sentence passed by the Id. Addl. Chief Judicial Magistrate, Panchmahals at Halol in Criminal Case No.1436/2003 towards present appellant No.1 i.e. **Rajivbhai Hemraj Suraiya** and appellant No.2 i.e. **Ramesh Hansraj Dharmashi** is hereby suspended till disposal of this appeal, subject to furnish individual surety for the amount of **Rs. 10,000-00 (Rupees Ten Thousand only)** and also execute bond of like amount to the satisfaction of Id. Trial Court with purpose the appellants to remain present during this Trial as and when required by this court.

Pronounced in the open court today on this 5<sup>th</sup> Day of April, 2022.

Date : 05-04-2022.

Place : Halol.

P. P. Joshi

( Hareshkumar Himmatlal Thakkar )  
Additional Sessions Judge,  
Panchmahals at Halol.  
JUDGE CODE - GJ-00533