

ORDER BELOW EX.9
IN
CRIMINAL APPEAL No.120/2025

1. The original complainant/respondent No.1 has preferred this application seeking release of 20% amount. The appellant/accused has deposited 20% of the amount as ordered by this court while enlarging the appellant/accused on bail.
2. Original complainant/respondent no.1 appeared and submits that as per Section-148 of the Negotiable Instruments Act, the amount should be given to the complainant subject to the condition envisaged in the proviso.
3. Ld. Advocate on behalf of appellant/accused has made an endorsement of no objection on this application.
4. Heard the Ld. Advocates for the respective parties.
5. The appellant/accused is convicted under Section-138 of the N.I.Act. The appellant/accused has preferred an appeal along with he had preferred Ex.04 application seeking suspension of sentence and to grant him bail during the pendency of the appeal. This court on dated 24/09/2025 passed order granting bail to the appellant/accused with a condition that he shall deposit 20% of amount. This court has taken into consideration section 148 of the N.I. Act. Considering the facts and circumstances of the case, this court is of the opinion that 20% amount deposited by the appellant/accused should be paid to the complainant subject to condition that in the eventuality of appellant/accused's

appeal been allowed and he will be acquitted, the complainant shall return back the amount with interest as per the rate prescribed by the R.B.I. Accordingly, the application is allowed and pass following order.

-: O R D E R :-

1. The present application is hereby **Allowed**.
2. 20% amount deposited by the appellant/accused shall be paid to the opponent/original complainant no.1 subject to the condition that if the appellant is acquitted, the complainant shall repay the amount to the appellant with prevailing rate of interest as per the R.B.I.
3. The complainant shall submit his undertaking before this court.

Pronounced and signed in the open court today.

Date : 15/12/2025
Place: Patan

(Prashantkumar H. Sheth)
Sessions Judge, Patan
U.I.Code No.GJ00524