

IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE, GONDAL**ORDER BELOW EX.5 IN CRIMINAL APPEAL NO.88 of 2025.**

- 1.** Present appeal has been filed against judgment of conviction passed by the Learned Additional Chief Judicial Magistrate, Gondal in Criminal Case No.1185 of 2017 on 17/10/2025 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:-	6 Months
Compensation:-	Rs.4,00,000/-
Imprisonment in default of Fine/ compensation:-	1 Month.

- 2.** It is submitted by Learned Advocate for the appellant that the appellant has *prima-facie* strong case 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 involved in present appeal which would require appreciation of evidence. The present appellant has been on bail during the trial. Hence, in view of the provision of Sec.389 (1) of the Cr. P.C. read with Section 148 of N.I. Act, following order is passed:

-// **ORDER** \-

(a) The present application Ex.5 is allowed. The order imposing sentence & fine/compensation passed by learned Trial Court in **Criminal Case No.1185 of 2017 on 17/10/2025** 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 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 fine/compensation imposed by the Ld. trial Court **(20% of Rs.4,00,000/-)** before this Court within 60 days from the date of this order.
- 5.** *Yadi to the concerned trial Court.*

Order signed and pronounced in the open Court today
on this **18th Day of NOVEMBER, 2025.**

Date:- 18/11/2025

Place:-Gondal.

(**M. A. BHATTI**)
2nd Additional Sessions Judge
GONDAL
Code No. **GJ01506**