

GJSK180001922022



Criminal Appeal No.31/2022

-: Order below Ex.4 - Stay application u/s.389 of Cr.P.C. :-

1. Heard the learned advocate for appellant and gone through the stay application. The learned Judicial Magistrate First Class, Poshina has passed an order in Criminal Case No.426/2016 as on 19/02/2022 and imposed rigorous punishment of two years as well as penalty Rs.1,000/- to appellant/accused in the offence u/s.323,324 & 325 of IPC and if he failed to pay penalty, then he has to undergone three months more rigorous imprisonment. The lower court has passed order on 19-02-2022 and the accused has tendered application for the suspension of sentence on the ground that he wanted to prefer an appeal before the Appellate Court. Therefore, lower court has postponed the order of conviction for the period of thirty days.

2. I have also carefully gone through the appeal memo as well as judgment of lower court. It requires time for hearing the appeal. Therefore, considering the provision u/s.389(1) (3) of Cr.P.C., the judgment and order passed of conviction in C.C.No.426/2016 on 19/02/2022 is hereby suspended till final hearing and disposal of the appeal. The appellant/accused has to tender bail bond of Rs.5,000/- with one surety of the like amount and shall have to remain present before this

court on every hearing and not to leave territory of India till decision of appeal by this court.

3. Yadi be sent to Trial Court for sending R & P, as well as for information of this order. Bail bond be furnished before lower court.

Pronounced in Open Court today on this 21st day of March,2022.

(Tejas S. Brahmbhatt)
GJ00609
Additional Sessions Judge
Sabarkantha @ Idar.

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