



Criminal Appeal No.42/2021

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

1. Heard the learned advocate for the appellants and gone through the stay application. The learned Judicial Magistrate First Class, Poshina has passed an order in New Criminal Case No.258/2016 (Old Criminal Case No.1222/2008) as on 23/02/2021 and imposed simple punishment of two years as well as penalty Rs.5,000/- to each appellant/accused in the offence u/s.406,409 & 114 of IPC and if they failed to pay penalty, then they has to undergone six months more simple imprisonment. The lower court has passed order on 23-02-2021 and the accused have tendered application for the suspension of sentence on the ground that they 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 New Criminal Case No.258/2016 (Old Criminal Case No.1222/2008) on dated : 23-02-2021 is hereby suspended till final hearing and disposal of the appeal. The each appellant/accused has to tender bail bond of Rs.10,000/- 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.

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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 24th day of March,2021.

(Tejas S. Brahmbhatt)

GJ00609

Additional Sessions Judge
Sabarkantha @ Idar.

//MVL//