

Order below Exh.4
in
Criminal Appeal No.5/2026

- [1] The present application has been filed by the appellant seeking suspension of sentence under Section 430 of BNSS and also release the appellant on bail.
- [2] It has been averred in the above-mentioned application that the appellant has challenged the impugned judgment of the Ld. Principal Civil Judge and Judicial Magistrate First Class, Palsana in Criminal Case No.760/2025, dated 16-12-2025, for the offence punishable u/s. 138 of N.I. Act convicting him for simple imprisonment for one year and directed him to pay Rs.1,00,000/- as penalty to the complainant as compensation within 30 days. Therefore, he has prayed to suspend the sentence passed by the Ld. Principal Civil Judge and Judicial Magistrate First Class, Palsana and also to release him on bail.
- [3] Learned Advocate for the appellant has submitted that the appellant has sufficient grounds to challenge the conviction and order of sentence and, therefore, he has preferred the present appeal against the said Order. It is submitted that the appellant is local resident of Surat district and have responsibility of his family and he will not flee. It is further submitted that he has no any criminal antecedents. Therefore, he has prayed to suspend the sentence passed by the Ld. Principal Civil Judge and Judicial Magistrate First Class, Palsana and also to release him on bail.
- [4] I have heard the Learned Advocate and also perused the documents filed alongwith the bail application and it transpires

that the appellant has been released on bail and execution of sentence is stayed till the appeal period.

[5] Considering the fact that the accused has been convicted and sentenced by the Ld. Principal Civil Judge and Judicial Magistrate First Class, Palsana for the offence committed u/s. 138 of N.I. Act. Further, it is worthwhile to mention here that the applicant-accused person remained on bail during trial and nothing adverse has come to the notice of this Court as to if the applicant-accused persons may violate the order of suspension of sentence. Hence, by taking recourse to provisions of section 389(1) of the Code following order ensues:

ORDER

(1) The present Application Exh. 4 stands allowed subject to appellant(s)/ original accused submitting surety bond in sum of Rs.50,000/- with one surety of like amount subject to following conditions:

(A) The appellant(s)/ original accused shall remain present before this Court regularly during pendency of present appeal.

(B) The appellant(s)/ original accused shall submit his/her/their mobile phone number and residence address along with authenticated documentary proof.

(C) The appellant/s-accused is/are directed to pay 20% **amount of the compensation** awarded by learned Trial Court in the impugned judgment within 60 days of passing of this order in the trial Court.

(D) The appellant/s is/are directed to appear before the Appellate Court on each and every date of hearing.

(E) The bail bond to be executed before the concerned Court.

Yadi to be sent to the concerned learned Trial Court for necessary information and compliance of this order.

Signed and pronounced in the open Court today on **16th day of January, 2026.**

Date : 16/01/2026

Place: Bardoli.

Nareshkumar R. Jain
5th Additional Sessions Judge, Surat at
Bardoli
(Unique ID Code: GJ00582)