

Order Below Exh.5 In Cri. Appeal NO. 95/2023
Sandip Vitthal Gavhane Vs. Trimurti Multistate Urban Co-op.
Credit Society Ltd.
(CNR No. MHAH01002047-2023)

1. Accused was facing trial in S.C.C.No.5228/2018 for offence punishable under Section 138 of Negotiable Instruments Act. After full fledged trial, learned Trial Court convicted accused. Accused was sentenced to suffer 3 months R.I. In addition he was directed to pay compensation of Rs.60,00,000/-, in default to suffer 3 months S.I. Dissatisfied by said Judgment, appeal is preferred.
2. Heard learned advocate for accused/appellant.
3. The appeal is legal right provided to accused. He is also having right to challenge legality and correctness of sentence passed against him. Considering these two material aspects, I find that the sentence of S.I. passed by Learned Trial Court needs to be suspended until disposal of appeal on merit. In result, I proceed to pass following order.

ORDER

1. The order of conviction and sentence passed in S.C.C. No. 5228/2018 is suspended on following conditions.
 - a) Appellant shall deposit 20% of compensation amount (i.e. 20% of Rs.60,00,000/-.)
 - b) The order of suspension of sentence shall operate after deposit of above amount.
2. Accused be released on bail on executing P.B. and S.B. of Rs.15,000/-.

Date : 06/04/2023.

(M. R. Natu)
Additional Sessions Judge,
Ahmednagar.