

**ORDER BELOW EXH-5 IN CRIMINAL APPEAL NO. 332/2024**

(Dhanaji Vitthal Khade Vs. Shriram Chits (India) Pvt.Ltd. & Anr.)

1. Perused the application. Heard Ld. Counsel for the appellant, who argued that the Ld. Addl. Chief Judicial Magistrate (Court No.9), Ahmednagar by its order dated 09.09.2024 passed in S.C.C. No. 1584/2023 has convicted the appellant/accused. He took me through the order of conviction passed by the Ld. Addl. Chief Judicial Magistrate (Court No.9), Ahmednagar.
2. Being aggrieved and dissatisfied with aforesaid judgment and order, the appellant/original accused has preferred Appeal. The appellant has statutory right of appeal to challenge his conviction. Heard the Ld. Advocate for the appellant. The appellant has raised arguable points in the Appeal which requires consideration on merit. However, the appeal will take its own time for its final hearing and disposal. Considering said fact, nature of the offence and the sentence imposed, it would be just and proper to suspend the substantive sentence.
3. In the facts and circumstances and in view of discussion made above, it would be just and proper to suspend the execution of substantive sentence and to release the appellant on bail on deposition of 20% of the compensation amount as per the mandate of Section 148 of N.I. Act. With this, I proceed to pass the following order -

..2..

**ORDER**

1. The application Exh.5 is allowed, subject to depositing **20% amount of compensation i.e. Rs.11,660/-** in the Court.
2. On deposition of aforesaid sum of Rs. 11,660/-, the execution and operation of the sentence passed by the Ld. Addl. Chief Judicial Magistrate (Court No.9), Ahmednagar in S.C.C.No. 1584/2023 on 09.09.2024 is suspended till disposal of the main Appeal.
3. The appellant shall be released on execution of Personal Bond of Rs.25,000/- and solvent surety of like amount.
4. The appellant shall attend the Court on all given dates without fail.
5. Writ be issued to the Ld. Trial Court accordingly.

Date : 11.10.2024.  
Place : Ahmednagar.

( Makarand R. Mandawgade )  
Additional Sessions Judge,  
Ahmednagar.