

IN THE COURT OF SESSIONS AT AKOLA

(Presided over by Smt. M. S. Bhadane, Additional Sessions Judge)

Criminal Appeal No. 103/2026

Surendra Pralhad Chatarkar,

-Vs.-

Seva Sahakari Society Maryadit Kapshi, Tq. and District
Akola + 1

ORDER BELOW EXHIBIT 05.

[Passed on 24.02.2026]

The appellant/accused Surendra Pralhad Chatarkar is convicted for the offence punishable under section 138 of the Negotiable Instrument Act, 1881 by the judgment and order dated 21.01.2026 in SCC No.129/2021 and appellant is sentenced to suffer imprisonment for two years. The appellant is also directed to pay compensation of Rs. 59,74,108/-, in default, to suffer imprisonment for six months.

2] It is submitted that the appellant has very good case to allow the appeal. So, it is prayed for suspension of sentence and payment of compensation till decision of appeal.

3] Respondent/complainant opposed the application by filing say overleaf of this application stating that it is mandatory to deposit the amount of compensation as a

condition for suspension of sentence.

4] Heard the parties. Perused record. The appellant is convicted by the Trial Court on 21.01.2026 in SCC No. 129/2021 filed by the respondent/original complainant under Section 138 of N.I. Act.

5] The appeal is filed against the judgment and conviction. Along with appeal, the appellant/accused also filed this application for suspension of sentence. Appeal is statutory rights of the parties. If the substantive sentence is not suspended, the very purpose of filing of appeal will be frustrated. However, considering the mandate under Section 148 (1) of the N. I. Act, it is necessary to direct the appellant/accused to deposit considerable amount of compensation with the Court. Hence, considering the nature of offence and quantum of punishment, it is necessary to suspend execution thereof during the pendency of appeal subject to certain conditions. Hence, the order as follows :-

ORDER

(i) Substantive sentence of imprisonment passed by the Trial Court in SCC No. 129/2021 on 21.01.2026 is hereby suspended under Section 430 (1) of Bhartiya Nagrik Suraksha Sanhita, 2023 subject to furnishing personal bond and surety bond of Rs. 25,000/- (Rs.

Twenty Five Thousand only) on condition to deposit 20% amount of compensation in the court within 30 days from the date of this order.

- (ii) Failure to comply with the orders within prescribed time, the suspension will stand vacated automatically.
- (iii) Appellant to make the compliance as per provisions of law and then both the parties to file the written arguments.
- (iv) Inform Learned Trial Court accordingly.

Date : 24.02.2026

[M. S. Bhadane]
Additional Sessions Judge,
Akola.

Certificate

I hereby certify that the contents of this PDF file
are same word for word as per original order:

Name of Steno	:	S.V. Indane
Court's Name	:	Ad-hoc District Judge-1 & A.S.J., Akola
Date of order	:	24.02.2026
Signed by PO	:	24.02.2026
Uploaded on	:	24.02.2026