

IN THE COURT OF SESSIONS AT AKOLA
(Presided over by Smt. S.C. Jadhav, Additional Sessions Judge)

CRIMINAL APPEAL No.183/2024

Anis Rannu Dargiwale
Vrs.
Kaushalkishor Tulshiram Gupta

ORDER BELOW Exh.5

[Dated : 22.07.2024]

1. Appellant / accused – Anis Rannu Dargiwale - Prop. Of M.R. Udhyog is convicted for the offence punishable under S.138 of the Negotiable Instrument Act, 1881 by the Judgment and Order dated 15.06.2024 in SCC No. 2812/2022 and sentenced to suffer simple imprisonment for the period of three months and pay compensation of Rs.11,30,000/-, in default, to suffer further simple imprisonment of one month.
2. Appeal is filed within the prescribed period of limitation against such conviction. Appellant/accused was on bail during the trial. The offence under S.138 of the N.I. Act is bailable one and sentence of imprisonment is not more than three years. It is submitted that the Ld. Trial Court has suspended the sentence till filing of appeal. Heard Ld. Advocate for the respondent also.
3. The Ld. Advocate for appellant submitted that while suspending the sentence, accused-appellant be exempted from payment of compensation contemplated under Section 148(1) of N.I. Act. Heard Ld. Advocate for the appellant on this point. It is material to note here that the cheque in question was issued on 08.02.2022.

Considering the object of Section – 138 of Negotiable Instrument Act as well as the fact that the appellant is held guilty after trial, as per the mandate under S.148 (1) of the N.I. Act, it is necessary to direct the appellant/accused to deposit considerable amount of fine 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 such condition. Hence, the order as follows :-

ORDER

- (i) Substantive sentence of imprisonment is hereby suspended under S.389 (1) of Cr.P.C. subject to furnishing PB and SB of Rs.20,000/- (Rs. Twenty Thousand only) on condition to deposit 20% amount of compensation with the court within one month from this order.
- (ii) Inform the trial court accordingly.

Date : 22.07.2024.

[Smt. S.C. Jadhav]
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	:	Shamim Sayed
Court's Name	:	District Judge-2 & A.S.J., Akola
Date	:	22.07.2024
Signed by PO	:	22.07.2024
Uploaded on	:	22.07.2024