

**IN THE COURT OF SESSIONS AT AKOLA.**  
**( Presided over by Smt.S. R. Pahade, Addl. Sessions Judge )**

**CRIMINAL APPEAL No. 253/2024**

Vrundavan Traders  
Prop. Raj Purushottam Rathi  
-Vs. -  
Nikhil Jayram Motwani

**ORDER BELOW EXH.5**

[Dated : 25.04.2025]

1. Appellant / accused –Raj Purushottam Rathi is convicted for the offence punishable under Sec.138 of the Negotiable Instrument Act, 1881 by the Judgment and Order dated 14.08.2024 in SCC No.4970/2019 and sentenced to suffer rigorous imprisonment for one month and pay a fine of Rs. 3,00,000/-, in default to suffer further simple imprisonment for 15 days.
2. It is submitted that the Ld. Trial Court has suspended the sentence till filing of appeal. The appellant has good case in his favour. Perused the record. 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 and sentenced of imprisonment is not more than three years.
3. Considering the mandate under S.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 such condition. Hence, the order as follows :-

**Order**

- (i) Substantive sentence of imprisonment passed by the Trial Court in SCC No.4970/2019 on 14.08.2025 is hereby suspended under Sec.430(1) of Bhartiya Nagarik Suraksha Sanhita, 2023 subject to furnishing PB and SB of Rs.15,000/- (Rupees Fifteen 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 : 25.04.2025.

[ Smt. S.R. Pahade ]  
Additional Sessions Judge, Akola.