

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

CRIMINAL APPEAL No.289/2024

Nandkishor Maliram Khandelwal

-Vs. -

Anup Ramchandra Goenka - 1

ORDER BELOW EXH.5

[Dated : 23.10.2024]

1. Appellant / accused –Nandkishor Maliram Khandelwal is convicted for the offence punishable under Sec.138 of the Negotiable Instrument Act, 1881 by the Judgment and Order dated 23.09.2024 in SCC No. 1275/2023 and sentenced to suffer simple imprisonment for three months and directed to pay compensation of Rs. 3,00,000/-, in default, to suffer simple imprisonment for one month.
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.1275/2023 on 23.09.2024 is hereby suspended under S.430 (1) of Bhartiya Nagrik 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 : 23.10.2024.

[Smt. S.C. Jadhav]
Additional Sessions Judge, Akola.