

MHAU040004032025



**ORDER BELOW EXH.5 IN CRIMINAL APPEAL NO.22/2025**

Babasaheb Vs. Vardhaman & anr.

- 1] Read the application. Heard the Ld. Advocate for the appellant.
- 2] It is clear from the certified copy of judgment and order that the Ld. Trial Court convicted the appellant for the offence punishable under Sec. 138 of N.I. Act and sentenced him to simple imprisonment for two years and fine of Rs.8,16,550/-, and in default of payment of fine, to suffer simple imprisonment for a term of 3 months. Whole fine when recovered shall be paid to complainant towards compensation u/sec. 357(1) of the Cr.P.C.
- 3] The appeal is statutory right. Hence, pending the appeal the substantive sentence of imprisonment needs to be suspended and the appellant needs to be released on bail. Hence, the order :-

**ORDER**

- 1] Application Exh.5 is allowed.
- 2] The substantive sentence of imprisonment is hereby suspended until the final decision of the present appeal, subject to the appellant furnishing P.B. & S.B. of Rs.50,000/- and to deposit in the Court 20% of the fine/compensation amount awarded by the Trial Court vide Sec. 148 of the N.I. Act within 60 days.

Date : 24.04.2025

(Smt.S.K. Upadhyay)  
I/c. Additional Sessions Judge,  
Vaijapur, District Aurangabad.