

Order below Exh.5
(Passed on 18.10.2019)

1. This is an application moved by the convicted accused under section 389 of the Code of Criminal Procedure, for suspension of the sentence of conviction recorded by the learned Judicial Magistrate First Class, 1st Court Motala, in Sum. Criminal Case No.520/2017, decided on 23.9.2019, whereby the appellant-accused has been convicted on the charge u/s 138 of the Negotiable Instrument and sentenced to suffer imprisonment for four months and to pay fine of Rs.3,00,000/- (Rs. lacs only) and out of fine amount, the amount of Rs.2,50,000/- be paid to the complainant and in default to undergo imprisonment for one month.

2. The appellant is challenging the legality and propriety of the impugned judgment and order on several grounds. The appellant has every hope to success in the appeal. The appellant/accused was on bail during trial. Hence considering the above facts and circumstances, I found that the impugned judgment and order passed in Sum. Criminal Case No. 520/2017 by learned Magistrate requires to be suspended subject to depositing of the 20% of the cheque amount. The appellant/accused after conviction deposited an amount of Rs.10,000/- with the learned Magistrate.

Cr.Appeal No.38/2019
Mamta Traders V/s. Rameshwar @ Ramshankar

Therefore, the same may be taken into consideration while calculating the 20% of the cheque amount. The amount order to be deposited as above shall be deposited within seven days from the date of this order. Further the applicant is directed to execute P.R. bond to the tune of Rs.5000/- with surety in the like sum. The compliance be made before the learned Magistrate. Inform learned Magistrate accordingly.

Sd/-

(R.M.Jadhav)
Addl.Sessions Judge Malkapur,
Dist. Buldana.

Dt.18/10/2019

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Certificate

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Court : Addl. Sessions Judge, Malkapur, Dist.Buldana.
Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.