



IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

CRIMINAL APPEAL NO. 01/2025
(CNR NO.MHGO010001592025)

SMT. YASMIN KHAN -VS- IPCCS URBAN

ORDER BELOW EXH. 04.
(Passed on this 04th day of February, 2025)

Seen application.

2. Present application is filed by appellant for suspension of sentence which was imposed by learned Chief Judicial Magistrate, Gondia vide impugned judgment and order passed on 07/01/2025 in SCC No. 2336/2023.

3. It is the contention of appellant that she has already filed appeal against the impugned judgment and order before this court and she is having sound ground of appeal and every chance of success. Accordingly, she made prayer in above terms.

4. Perused record. It appears that appellant is convicted for offence punishable under Sec. 138 of Negotiable Instruments Act by learned Chief Judicial Magistrate, Gondia

vide judgment and order dated 07/01/2025 in SCC No. 2336/2023 and sentenced to suffer simple imprisonment of six months and also directed to pay compensation of Rs.1,87,530/- i.e. cheque amount along with interest @ 6% p.a. from the date of filing of complaint till actual realization of entire amount within two months from the date of this order. In default, as directed above, accused to further suffer simple imprisonment of three months. Accused did not pay any amount before the trial court.

5. Appellant has challenged the said impugned judgment and order in present appeal. Appeal is statutory right of the appellant. She has raised certain grounds in appeal which requires consideration. Therefore, keeping in view provisions of Sec. 148 of Negotiable Instruments Act, I pass following order.

ORDER

Application [Exh.04] is allowed.

2. Sentence imposed by impugned judgment and order dated 07/01/2025 in Sum. Cri. Complaint No. 2336/2023 is hereby suspended till conclusion of the appeal with condition that;

(i) Appellant shall deposit 30% of the compensation amount out of Rs.1,87,530/- imposed by learned trial court, within period of two months from the date of this order.

3. Pending appeal, the appellant be released on her executing PR Bond of Rs.50,000/- and furnish one surety in like amount.
4. Appellant to furnish bail before the trial court.
5. Inform trial court accordingly.

Gondia.
Dated: 04.02.2025.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.

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(CNR NO.MHGO010001592025)**SMT. YASMIN KHAN -VS- IPCCS URBAN****ORDER BELOW EXH. 01.****(Passed on this 04th day of February, 2025)**

Appeal admit. Call record and proceeding of Sum.
Cri. Complaint Case No. 2336/2023 from learned trial court.
Accordingly, issue notice to the respondent, returnable on
25/02/2025.

Gondia.
Dated: 04.02.2025.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.

Dictated and transcribed on dais computer	:	04/02/2025
Checked by the Judge	:	04/02/2025
Finally printed and signed by the Judge	:	04/02/2025