

MHKO010000182022



Order below Exh. 4 in Criminal Appeal No. 01 of 2022

1. Being aggrieved by the judgment dated 16/11/2021 (hereinafter referred as “impugned judgment”) passed by 9th JMFC Court, Kolhapur in SCC No 1836 of 2018 the appellant /original accused preferred an appeal against impugned judgment, therein the appellant/original accused was convicted for the offence punishable u/s 138 of Negotiable Instrument Act thereby sentenced to suffer SI for six months and directed to pay compensation of Rs 2,63,000/- in default of payment of compensation accused shall further suffer SI of 3 months.

2. The appellant submitted that during the trial he was on bail and moreover, and has regularly attended the trial proceeding and has never tried to prolong the matter.

3. Perused the documents filed along-with the appeal, it appears the appellant was on bail during the trial as well as he was also released under Section 389(3) after the Judgment.

4. Taken into consideration above facts the accused/appellant is directed to deposit 30% of the compensation amount which is imposed by the Trial court under section 138 of NI Act. Two weeks time granted to appellant to deposit the said amount. Considering the said aspect, in the view of Section 389(3)

of Cr.P.C. the accused/appellant has made out the case for suspension of sentence and to be released on bail during the pendency of appeal. Hence, I pass following order.

O R D E R

1. Exh. 4 is allowed.
2. Sentence is hereby suspended till disposal of the appeal.
3. The appellant is released on bail of Rs.15,000/-. The surety bond executed before the Id. Trial Court be continued on executing fresh P.R. and S.B. bond.
4. The appellant is directed to deposit 30% amount of compensation i.e. Rs 78,900/- within 15 days from today.
4. Accordingly application Exh. 4 is hereby disposed of.

Date : 03.01.2022

Sd/-
(Surekha R. Patil)
Additional Session Judge,
Kolhapur

I affirm that the contents of this P.D.F. File Judgment/Order are same,word to word, as per the original Judgment/Order.

Name of the Stenographer	Sau. S.S. Gosavi
Name of Court	Addl. Sessions Judge, Kolhapur.
Date of Dictation	03.01.2022
Order signed by the P.O. on	03.01.2022
Order uploaded on	03.01.2022