

MHKO010008582026.



Order passed below Exh.5 in Cri.Appeal No.33/2026

Amol Maruti Ghatge -- Appellant

Vs.

Shreyas Gas Services -- Respondent.

Through Partner.

1. The appellant is seeking stay to the execution of sentence passed in S.C.C. No.4236/2021 by the Ld. J. M. F C (Court No.10), Kolhapur on 04/02/2026. Copy of the said Judgment and order is placed on record, which transpires that, the appellant who was accused in the said case came to be convicted for the offence punishable under section 138 of the N. I. Act and sentenced to suffer simple imprisonment for two months and to pay compensation of Rs.4,32,000/- to the complainant within 30 days, in default to suffer simple imprisonment for 15 days.

2. The accused is exercising his statutory right to appeal. The appeal is filed within limitation period and in view of section 438 of the B.N.S.S, this Court has power to suspend the sentence pending appeal and release the accused on bail. Section 148 of the N.I. Act provides that, notwithstanding anything contained in the Cr. P. C., in an appeal by the drawer against conviction under section 138,

the Appellate Court may order the appellant to deposit such sum which shall be minimum of 20% of the fine or compensation awarded by the Trial Court. Sub-section 2 provides that, the amount referred in sub-section 1 shall be deposited within 60 days from the date of the order or within such further period not exceeding 30 days as may be directed by the Court on sufficient cause being shown. In these circumstances, I proceed to pass the following order:

Order

1. The sentence imposed by the Ld. J. M. F. C. (Court No.10) Kolhapur in Summary Criminal Case No. 4236/2021 dated 04/02/2026 is suspended pending this appeal and the appellant be released on bail on furnishing P. B. and S. B. of Rs.30,000/- (Rs. Thirty Thousand only) subject to deposit of 20% of the amount of compensation within 60(Sixty) days from the date of this order.
2. As the appeal is filed online, separate physical copy of the order is not maintained and all the concerned to act upon digitally signed order uploaded online.

Date:11/03/2026.

(R. V. Utpat)
Addl. Sessions Judge, Kolhapur.