

MHKO010009682022



IN THE SESSIONS COURT, KOLHAPUR, AT KOLHAPUR

(Presided over by P.S. Vithalani, Addl. Sessions Judge)

Cri. Appeal No.36/2022

Shri. Sujit Bapu Khot

Appellant

vs.

Shri. Dipak Parisa Kothavale & Anr. Respondents

Order below application Exh. 5

1] This application is for suspension of sentence and order passed by learned Judicial Magistrate, First Class, Peth Vadgaon, Dist. Kolhapur in S.C.C. No. 234/2017 on 22/02/2022 and for grant of bail pending the appeal.

2] Perused the application and the judgment of learned Trial Court.

3] Heard learned advocate Shri. A.A. Patil for the appellant.

4] The appellant/accused is present before the Court. His learned advocate submitted that the learned Trial Court has not considered the defence properly and erred while convicting him. Therefore, he prayed for suspension of sentence and order pending the appeal and for releasing the appellant on bail.

5] Present appeal is against conviction, hence it is required to be admitted. The Learned Trial Court convicted the appellant for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 and sentenced to suffer rigorous imprisonment for six months and to pay compensation

of Rs.1,75,000/- to the complainant. The appeal will take its own time for disposal, hence, the sentence and order can be suspended and bail can be granted.

6] For the reasons stated above, the execution and operation of the impugned Judgment and order of conviction dated 22/02/2022 passed by learned Judicial Magistrate, First Class, Peth Vadgaon, Dist. Kolhapur in S.C.C. No. 234/2017 is to be suspended till the final decision of this appeal subject to payment of 20% of compensation amount. Hence, I pass the following order.

ORDER

- 1] Application Exh. 5 is allowed.
- 2] The execution and operation of the sentence and order passed by learned Judicial Magistrate, First Class, Peth Vadgaon, Dist. Kolhapur dated 22/02/2022 in S.C.C. No. 234/2017 is suspended till final hearing and disposal of the appeal, subject to depositing 20% of compensation amount of Rs.1,75,000/- within 60 days from the date of this order by the appellant and on furnishing by him, his P. R. Bond of Rs.15,000/- with surety of like amount.
- 3] Inform the learned Trial Court accordingly.

Kolhapur

Date : 23/03/2022

(P.S. Vithalani)
Additional Sessions Judge,
Kolhapur