

**Order below Exh.7 application for setting aside suspension order in  
Regular Criminal Appeal No.7/2025  
(Farukh Vs. State)**

This application is filed by original complainant who was not made party to the criminal appeal by the present appellant. Appellant/accused is convicted in SCC No.103/2020 in a complaint filed by original complainant under Section 138 of the N.I.Act, wherein he was sentenced to suffer simple imprisonment for six months and to pay compensation of Rs.2,50,000/- with simple interest at the rate of 9% per annum and in default he was to undergo three months simple imprisonment.

2) This Court by passing order at Exh.5 on 29.03.2025 suspended sentence and conviction subject to payment of 20% of compensation amount i.e. Rs.50,000/- within sixty days. The appellant/accused has not deposited the said amount within stipulated period. He has not also furnished the surety for remaining 80% of compensation amount. Hence, original complainant prayed for his impleadment in the appeal and to set aside the suspension order.

3) On last date the accused and his advocate appeared and submitted that he will deposit 20% of compensation amount, however, he went away without permission of the court. Today appellant/accused is absent. His advocate is absent. As the appellant/accused failed to comply with the condition regarding suspension of sentence I proceed to pass following order.

**Order**

1) As appellant failed to comply with the conditions imposed while passing order dated 29.03.2025 at Exh.5 and 6, the order of suspension of sentence is recalled

and learned trial court is directed to execute the conviction warrant as per law.

2) Copy of this order be sent to learned trial court.

Date : 08.10.2025

(D.B.Mhalatkar)  
Additional Sessions Judge, Udgir