

MHLA070001162025



Order below Exh.13 Criminal Appeal NO.7/2025
(Faruk Vs. State)

This is an application to cancel NBW issued against him and to set aside order dated 08.10.2025 and to stay the conviction and sentence passed by learned JMFC on 13.02.2025 in SSC No.103/2020.

2) As per the applicant the accused is released on bail in this appeal. As accused failed to deposit 20% of amount as directed by the Court, the court has passed order of cancellation of suspension of sentence. The accused is poor labourer and unable to deposit the amount as there was marriage of his daughter. Hence, the accused prayed for permission to deposit the amount and cancel NBW and restore order of stay.

3) Respondent filed reply on 16.02.2026 at Exh.15 and resisted the application.

4) This court has stayed the conviction and directed applicant/accused to deposit the amount by passing order on 29.03.2025. However, appellant/accused failed to deposit the said amount for seven months. Hence, court recalled order of suspension of sentence. The ground mentioned in the application are not satisfactory. Hence, it is not proper to suspend the sentence

imposed on the accused by the learned trial court. However, NBW order needs to be recalled as accused is present in the Court and his advocate is ready to conduct the matter. As appellant/accused failed to deposit the amount within reasonable period now it is not proper to allow the appellant/accused to deposit the same especially when suspension of sentence is cancelled. Hence, I proceed to pass following order.

Order

- 1) Application is partly allowed.
- 2) NBW order passed against the accused is hereby cancelled.
- 3) Rest of the prayers of the accused are cancelled.

Date : 13.03.2026

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