

Criminal Appeal No. 17 of 2024

Sagar Shirish Kekan Vs. Prem Shirchand Fulwani & other

ORDER BELOW Exh.4
(Passed on 09.02.2024)

1. This is an application for staying and suspending the sentence awarded to the appellant/accused by the Ld. J. M. F. C., Manmad, vide judgment and order dated 05.01.2024 passed in S.C.C. No.10/2019, thereby convicting the appellant/accused for the offence p/u/s 138 of N. I. Act and sentencing him to suffer R. I. for 06 months and to pay fine of Rs.12,34,654/- (Rs. Twelve Lacs thirty four thousand six hundred fifty four) I/d to undergo S. I. for 01 month. Ld Trial Court has also directed that out of fine amount Rs. 11,50,000/- (Rs. Eleven lacs fifty thousand) be given to the complainant as compensation u/sec. 357(3) of Cr. P. C. and remaining amount including interest be forfeited to the State Government as a fine. In this application the appellant/accused has also prayed for his release on bail during the pendency of appeal.

2. Heard, Ld. Advocate for the appellant/accused.

3. Perused the appeal memo, application and copies of documents filed alongwith list at Exh.3 including the copy of impugned judgment and order passed by the Ld. J.M.F.C., Manmad.

4. After considering the pleadings in the appeal memo, application and considering the nature of offence, punishment awarded by the Ld. J.M.F.C., Manmad and the fact that the applicant-accused was on bail during the trial it can be said that this application can be allowed by imposing certain conditions on

the appellant/accused. Hence, I pass following order.

ORDER

1. Sentence awarded to the appellant/accused and fine imposed vide impugned judgment and order of the Ld. Trial Court is stayed and suspended till further orders or till the disposal of appeal on condition that the appellant/accused shall deposit 20 % of compensation amount in the Trial Court within 15 (Fifteen) days of this order.

2. The appellant/accused shall be released on bail on his executing P. R. bond of Rs.1,00,000/- (One Lac) with solvent surety of the like amount and on condition that he shall remain present in the Appellate Court on fixed dates regularly.

3. Inform accordingly, to the Ld. Trial Court.

Date :- 09.02.2024
Malegaon

(K. R. Patil)
Addl. Session Judge, Malegaon,
District Nashik.

