

Criminal Appeal No. 61 of 2023

Mustak vs. Ashok

ORDER BELOW Exh. 4 & 5
(Passed on 06.11.2023)

1. Application at Exh.4 is for releasing the appellant/accused on bail and application at Exh.5 is for staying and suspending the sentence awarded to the appellant/accused by the Ld.J. M. F. C. (Court No.3), Satana, Dist. Nashik, vide judgment and order dated 19.10.2023 passed in S.C.C. No.366/2016, thereby convicting the appellant/accused for the offence p/u/s 138 of N. I. Act and sentencing him to suffer S. I. for three months and directing accused to pay compensation of Rs.3,92,830/- (Rs. three lac ninety-two thousand eight hundred and thirty only) to the complainant in default to undergo S. I. for 3 months.
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. (Court No.3), Satana, Dist. Nashik
4. After considering the pleadings in the appeal memo, application and considering the nature of offence, punishment awarded by the Ld. Trial Court and the fact that the appellant-accused was on bail during the trial it can be said that both the applications can be allowed on certain conditions. Hence, I pass following order.

ORDER

1. Conviction and sentence awarded to the appellant/accused

vide impugned judgment and order of the Ld. Trial Court is stayed and suspended till further orders or till the disposal of appeal.

2. The appellant/accused shall be released on bail on his executing P. R. bond of Rs.50,000/- (Fifty thousand) with solvent surety of the like amount and on condition that the appellant /accused shall deposit 25% of the compensation amount, awarded by the Trial Court to the complainant, within one month of passing of this order.

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

Date :- 06.11.2023
Malegaon

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

