

Criminal Appeal No. 4/2022
Shridhar / Anwar & Anr.

COMMON ORDER BELOW EXHIBIT NO.4 & 14
(CNR No. MHOS050003652022)

Application Exh.4 dated 10.06.2022 is application for grant of bail to the appellant/accused during pendency of the appeal. Whereas, application Exh.14 filed subsequently on 12.08.2026 is for suspension of sentence passed as per judgment dated 11.05.2022 in S.C.C.No.598/2018.

2. Brief facts of the case is that the appellant/accused was convicted for the offence punishable under Section 138 of Negotiable Instruments Act and was sentenced for simple imprisonment for six months and to pay compensation of Rs.2,00,000/- to the respondent, in default to suffer simple imprisonment for 13 days. Being aggrieved by the said judgment the appellant has filed the present appeal which was presented on 10.06.2022. Application seeking bail Exh.4 was filed along with the appeal, however no application for suspension of sentence was filed. On 12.08.2026 this Court observed that the accused though convicted and though the sentence was not suspended was not sent to Prison undergoing the sentence of imprisonment and took him to custody as the suspension period granted by the learned Judicial Magistrate First Class, Omerga till appeal period was already over. This Court by order dated 12.08.2026 took the appellant in custody and issued conviction warrant to undergo the sentence imposed against him. At that juncture the learned advocate for the accused filed application Exh.14 for suspension of sentence.

3. learned advocate for the appellants submits that though the advertently the application for suspension sentence was not filed

earlier and only application for grant of bail Exh.4 was filed, the appellant/accused is regularly appeared before the Court. The appellant has good case on merit. He was on bail before the trial Court and has not absconded even after his conviction. He has therefore prayed that the sentence imposed by the order impugned be suspended till appeal is disposed of and the appellant/accused may be enlarged on bail till disposal of the appeal.

4. The complainant opposed filed reply at Exh.18 and has opposed the application on the ground that the appellant had filed application Exh.4 on 10.06.2022 and till date application was pending. The appellant has not furnished the bail nor that the sentence suspended. This Court on 12.08.2026 took the appellant/accused in custody and has forwarded him to Jail for undergoing the sentence. Under such circumstances, application is not tenable. On thus 10.03.2023 the order of issuance of Non-bailable warrant has been issued against the appellant/accused. He has therefore prayed that bail application and application for suspension may be dismissed.

5. Perusal of the application Exh.4 shows that it is an application for grant of bail pending appeal. At the time of filing of appeal the appellant did not seek suspension of sentence. The appellant even did not press for hearing on Exh.4 and consequently even after expiry of period of suspension of sentence granted by the learned Magistrate convicting the accused, the appellant/accused was enjoying his liberty. However, the Roznama shows that the appellant was attending the Court in the appeal. This shows his bona-fide. The appeal can be decided on the merit. Pending appeal the sentence can be suspended and the appellant can be enlarged on bail subject to the conditions specified in Section 148 of Negotiable Instruments Act is

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

ORDER

1. The application Exh.4 and 14 are allowed as under.
2. Sentence imposed by judgment dated 11.05.2022 in S.C.C. No.598/2018 is suspended subject to condition that the appellant/accused deposits 20% of the compensation amount of Rs.2,00,000/- in the Court within 10 days as already more than 4 years have be elapsed since the date of the conviction and as the accused was enjoying his liberty without suspension of sentence for all these days.
3. Pending appeal the appellant/accused be released on his executing P.R. bond of Rs.25,000/- and furnishing bond surety in like amount.
4. On failure of the appellant/accused to deposit 20% compensation amount within the time granted by the Court, the order of suspension and bail shall automatically get revoked.

Sd/-

(Adil M. Khan)

Dated :- 14.08.2026

Additional Sessions Judge, Omerga.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/order are the same, word to word, as per the original Judgment/order.

Name of Stenographer	:	Shriram Hanmantrao Kale, Stenographer (Grade-I)
Court	:	Additional Sessions Court, Omerga.
Date	:	14.08.2026
Order signed by the Presiding Officer on	:	14.08.2026
Order uploaded on	:	14.08.2026