

ORDER ON EXH-5 IN CRIMINAL APPEAL NO. 20/2019

[CNR No. MHPU140005632019]

1] The appellant along with advocate Kiran Barge and respondent No. 1 along with his advocate Swapnil Jagtap are present. The appellant has filed appeal u/s 374 of Cr.P.C. against judgment and order dated 7-2-2019 passed by J.M.F.C. Baramati in SCC No.408/2015 thereby convicting the appellants for the offence under section 138 of N.I. Act and sentenced him to suffer simple imprisonment for one month and to pay fine of Rs. 10,10,000/- which is directed to be paid to the complainant (respondent No.1) as compensation amount. This appeal being first appeal, the appellant is having substantive right to test the impugned judgment in the appeal. Ld. Advocate Jagtap for respondent No. 1 submitted that at least 50% of the fine in view of the amended provision under section 148-A of N.I. Act may be ordered to be deposited. On the other hand advocate Barge submitted that minimum amount i.e. 20% amount may be directed to be deposited as the amount is being very huge, and the cheque amount was not due.

2] Considering the submission, it would be just and proper to suspend the execution of the sentence of imprisonment and fine amount on condition that the appellant shall deposit Rs.4,00,000/- i.e. about 40% of the fine amount within sixty days from today. Hence following order :-

ORDER

1] The execution of the impugned sentence and order dated 7-2-2019 passed by J.M.F.C. Baramati in SCC No. 408/2015 for the offence under section 138 of N.I. Act is suspended till decision of

this appeal, on condition that the appellant shall deposit part of compensation/fine amount Rs. 4,00,000/- (Rs. Four Lakh Only.) in the court within 60 days from today.

- 2] Accused/applicant Rajendra Bapurao Taware be released on bail on execution of P.R. Bond for Rs. 15,000/- with surety of like amount. Today the accused/ appellant has not brought the surety, hence seven days time granted to submit the surety.
- 3] The appellant is directed to submit his detail address and mobile number.
- 4] He is further directed in case of change in his address in future, he shall intimate the changed address to this court within 15 days of such change.
- 5] Inform to the trial Court, accordingly.

Date – 05-03-2019

(N. B. Shinde)
Addl. Sessions Judge, Baramati.