

ORDER BELOW EXH. 4

1) The appellants/original accused no.1 and 2 have filed this appeal and challenged the judgment and order passed by Judicial Magistrate, First Class, Ghodnadi-Shirur, (hereinafter referred to as “Trial Court”) in RCC No. 172/2015 dated 23/02/2026 whereby, they are acquitted of the offences punishable under section 504, 506 r/w section 34 of the Indian Penal Code and convicted for the offences punishable under section 324, 323 r/w section 34 of the Indian Penal Code and sentenced to suffer simple imprisonment of one year and to pay fine of Rs.2000/- each and in default to undergo simple imprisonment of 10 days for the offence under section 323, 324 of Indian Penal Code and further sentenced to suffer simple imprisonment of three months and to pay fine of Rs.1,000/- each and in default to undergo simple imprisonment for five days for the offence punishable under section 323 of the Indian Penal Code. By way of this application, they prayed for suspension of substantive sentence.

2) Heard learned counsel for the appellants and perused the judgment and order passed by the Trial Court. It is not in dispute that this is first appeal. The appellants have right to challenge the judgment and order passed by the Trial Court. The appellants have raised grounds that the Trial Court has not considered the evidence of witnesses properly. The appellants have produced copy of order passed by the Trial Court below Exh. 51 by which the substantive sentence is suspended till appeal period. The appellants have furnished surety before the Trial Court. It appears that appellants have not deposited the fine amount. In such circumstances, I pass the following order.

ORDER

1] The substantive sentence passed by Judicial Magistrate, First Class, Ghodnadi-Shirur, in RCC No. 172/2015 dated 23/02/2026 is suspended till the decision of appeal subject to following conditions.

- a] The appellants shall deposit the fine amount, if not deposited earlier.
 - b] The bail bonds furnished by the appellants before the Trial Court continued till further order.
 - c] The appellants shall remain present before this Court on each and every date.
 - d] They shall inform to this Court about change of their residential addresses time to time to this Court.
- 2] Inform to the concerned Court and concerned police station accordingly.

Ghodnadi-Shirur.
Date: 09/04/2026

(S. P. POL)
Additional Sessions Judge,
Ghodnadi-Shirur, Dist. Pune.