

MHRG010005532024



Cri. Appeal No.09/2024
Gangadhar Dharmaji Patil
Vs.
Ramesh Laxman Patil

ORDER BELOW EXH.6

01. Read the application. Heard Adv. Shri.Suraj Patil appearing on behalf of appellant. He submitted that, the trial Court convicted the appellant for offences p/u/sec. 138 of the Negotiable Instruments Act and sentenced him to suffer S.I. for 06 months and to pay compensation of Rs.1,50,000/-, in default to suffer further S.I. for 03 month. Aggrieved by the same, the appellant has preferred the appeal. The appellant has every hope of success in the appeal. Meantime, it is requisite to suspend the order of sentence and release the appellant on bail. If it is not suspended, the appellant will suffer an irreparable loss.

02. After hearing arguments, I have gone through the record. It reveals that, the appellant was on bail before Ld. Trial Court and nothing to show that, the bail was jumped. Further, time will take to dispose of the appeal on merit and hence, there is need to suspend the sentence, so as to decide the appeal on it's own merit and strike the balance of interest between both the parties. According to me, following order will meet the ends of justice.

ORDER

1. Application at Exh.6 is allowed.
2. The order of conviction and sentence dated 12/04/2024,

passed by Ld. Judicial Magistrate First Class, Pen, in S.C.C. No.338/2021 is hereby suspended, in view of Section 389 of the Code of Criminal Procedure, till further order or till the decision of the appeal, which is earlier, on condition that, the appellant should deposit Rs.30,000/- (Rs. Thirty Thousand only) in the Court in view of Section 148 of the Negotiable Instruments Act.

3. The appellant shall furnish P.R. & S.B. of Rs.25,000/- and remain present before the Court on fixed dates.

Alibag

Date :- 19/06/2024.

(N. K. Maner)

Addl. Sessions Judge, Raigad-Alibag.