

MHRG170008532026 	Criminal Appeal No. 18/2026 M/s. Community Techno Solution Pvt. Ltd. Through Carton Camble Vs. Mr. Pankaj Jayvant Patil
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COMMON ORDER BELOW EXH. 5 and 6

1) Appellant (Original Accused) preferred this appeal against judgment and order dated 17/05/2025 passed by Learned Judicial Magistrate First Class, Uran, District-Raigad in S.C.C No.446/2022.

2) Appellant who has been convicted and sentenced to suffer rigorous imprisonment of four months and to pay fine of Rs. 3,94,500/-. In default of payment of fine amount he has to further undergo two months rigorous imprisonment for the charge of offence punishable under section 138 of the Negotiable Instrument Act. He has moved this appeal against the conviction with an application for suspension of the substantive sentence and order and also for bail.

3) On perusal of record of the case it appears that, execution of sentence passed in S.C.C No.446/2022 was suspended till appeal preferred. The accused was directed to furnish P.B. and S.B. of Rs.50,000/-. As per Section 147 of the Negotiable Instruments Act, the appellate Court may order the appellant to deposit such sum which shall be minimum of 20% of fine or compensation awarded by the Trial Court. As such, 20% amount

out of fine/compensation awarded by the learned Trial Court is required to be deposited from the appellant. Therefore, before suspending the sentence and order, if appellant is directed to deposit 20% amount out of compensation amount, it will serve the interest of justice. Deposit of this amount by the appellant shall be without prejudice to the rights and contentions of the parties in the appeal.

4] It is necessary to hear the appeal on merits. However, it will take some time to hear the appeal finally on merits. Therefore, it is necessary and expedient to suspend the execution of sentence and order till further order so as to avoid unwarranted suffering of the appellant. Therefore, the following order is passed.

ORDER

- 1) The execution of substantive sentence and order passed under impugned judgment dated 17/05/2025 passed by Learned Judicial Magistrate First Class, Uran, District-Raigad in S.C.C No.446/2022 is suspended till further order.
- 2) The appellant is directed to deposit 20% compensation amount on or before next date, failing which the above order of suspension will get automatically vacated.
- 3) Appellant be released on executing personal bond of Rs. 30,000/- and surety in like amount.
- 4) If the appellant is unable to furnish surety, he is at liberty to deposit cash security Rs. 30,000/- instead of surety.
- 5) Call record and proceeding of S.C.C. No.446/2022 from Ld. Trial Court.

6) Issue notice returnable on 10/06/2026.

Panvel.
Date: 11/05/2026

(Santosh R. Chavan)
Additional Sessions Judge,
Panvel- Raigad.