

MHRG170014292025



CRI. APPEAL No. 32/2025

Deepak Ramchandra Joshi

Vs.

Khanhaiya Nichaldas Narang

ORDER BELOW EXH. 9

1] The appellant was accused in S.C.C. No.4008/2021. The said case was filed by the respondent/original complainant for the offence punishable under Section 138 of the Negotiable Instrument Act. The appellant was convicted and he was sentenced for simple imprisonment of three months and to pay compensation of Rs.55,00,000/- and in default undergo simple imprisonment one month. The applicant has moved this appeal against the conviction with an application for suspension of the substantive sentence and order and also for bail.

2] Heard Ld. Advocate for the appellant. Perused impugned judgment and order. The Ld. Trial Court already suspended the execution of sentence and order till the time appellant prefers an appeal. 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. It is further clarified in the proviso of said section that the amount payable by this Section shall be in addition to any interim compensation paid by the appellant under section 143 A of the Negotiable Instruments Act. As such, 20% amount out of 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 further 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. However, appellant prayed for time to deposit 20% compensation amount.

3] 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 22/05/2025 in S.C.C No. 4008/2021 by Learned Judicial Magistrate First Class, Panvel, Dist. Raigad 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. 25,000/- and surety in like amount.

- 4) Call record and proceeding of S.C. C. No. 4008/2021
from Ld. Trial Court.

Panvel,
Dated :- 04/04/2026

(S. R. Chavan)
Addl. Sessions Judge
Panvel, Dist.-Raigad