

ORDER BELOW EXH. NO. 36 IN CRI.M.A.NO.209/2025**Santosh Traders Taradgaon Through Santosh Sadashiv Gaikwad
V/s.****Chatrapati Agro Tech Pvt Ltd. Through Santosh Vitthal Bathe & Ors.**

Perused application and say. Heard, Ld. Advocates for applicant and non-applicants. From the application it seen that, the non-applicants/accused by filing present application prayed to kept the matter in abeyance till the final conclusion of Cri. Appeal No. 04/2025 pending before Hon'ble Additional Sessions Court, Phaltan. The applicant/complainant by filing his say strongly objected to the application on the ground that, the stay is not granted by Hon'ble Additional Sessions Court, Phaltan. He prayed to dismiss the application.

2. On perusal of record it seen that, the application was filed for execution of judgment and sentence passed in S.C.C.No. 945/2020. It is admitted position that, the non-applicants/accused herein have filed Criminal Appeal No. 04/2025 against judgment of S.C.C. No. 945/2020. The Hon'ble Additional Sessions Court, Phaltan on 11.06.2025 suspended the execution of judgment and sentence of S.C.C.No. 945/2020 on the condition that, both accused jointly or severally to deposit Rs.17,16,000/- in the Court within the period of 1 month. The period for depositing the amount was ended on 11.07.2025. However, accused did not deposited the fine amount in the Hon'ble Additional Sessions Court, Phaltan. It is also admitted position that, till date accused could not comply the order dated 11.06.2025 of Hon'ble Additional Sessions Court, Phaltan. Therefore, the judgment and sentence passed in S.C.C.No.945/2020 is could not be taken as suspended by Hon'ble Additional Sessions Court, Phaltan and it remained in force. It is settled position of law that, mere filing

appeal before Appellate Court against order and judgment passed by this Court could not be taken as automatic stay to the order and judgment passed by this Court. Unless and until the judgment and sentence of this Court is not stayed by Hon'ble Appellate Court, this Court has every right to enforce the judgment and sentence passed by this Court. Considering this factual as well as legal position, I found no reason to kept the present matter in abeyance. In result the application is liable to be rejected. Hence, the following order.

ORDER

The application (Exh.36) is hereby rejected.

Phaltan.
Date-15.06.2026

(A.S.Satote)
Judicial Magistrate First Class, Phaltan.