

**In the Court of Sessions Judge, Wardha.**

**Cri. Appeal No.4/2020**  
**CNR No. MHWR010002122020**

**Sachin .Vs. Kasturba Health Society**  
**Order Below Exh-5**  
**(Passed on 04.02.2020)**

1. Perused the application and impugned judgment and order. Heard learned Advocate for the appellant-accused.

2. It appears that J.M.F.C.-Magistrate, Court no.4, Wardha has been delivered the Judgment on 14.10.2019 in SCC No.2562/2016 thereby held guilty to the appellant-accused for the offence punishable under section 138 of the N.I. Act and he is sentenced to suffer S.I. for six months and to pay fine of Rs.5,52,750/- and in default of payment of fine to undergo S.I. for six months. It is further ordered that after depositing the fine amount by the appellant-accused amount of Rs.5,42,750/- be paid to the complainant-Society as compensation and remaining amount of Rs.10,000/- is defrayed to the State for the expenses incurred in the prosecution.

3. The appeal is admitted today. The appellant-accused submitted that he did not deposit the fine amount. He is ready to deposit 20% amount out of the

cheque amount or compensation or fine amount. Therefore, the awarded sentence by the Magistrate may be suspended and released him on bail till the decision of appeal. The matter is out of cheque amount. The alleged offence is economic offence. Thus, considering this fact, the nature of offence, backdrop pointed by the Advocate of the appellant-accused in the case of the respondent-complainant and provisions of section 148 of the N.I. Act, I am inclined to suspend the sentence awarded by the Magistrate till the decision of the appeal and till then release the appellant-accused on bail subject to condition that he shall deposit 20 % amount out of cheque amount Rs.3,68,500/- in this Court and till then he be released on bail with condition that he remain present in the court on fixed dates. Thus, I proceed to pass following order :

**Order**

1) The application Exh.5 is allowed and the substantive sentence awarded by J.M.F.C.- Magistrate, Court no.4, Wardha by passing judgment and order in SCC No.2562/2016 on 14.10.2019 is suspended till decision of the appeal subject to condition that the appellant-accused shall deposit **20%** amount out of the cheque amount Rs.3,68,500/- in this court and till then he be released on bail on executing his P.R.Bond

of Rs.15,000/- with one solvent surety in the like amount with condition that he shall remain present in the Court on fixed dates.

2) The appellant-accused shall furnish the bail in this Court.

3) Inform to the J.M.F.C.-Magistrate Court no.4, Wardha accordingly.

Date:04.02.2020

(Dilip G. Murumkar)  
Sessions Judge, Wardha

**CERTIFICATE**

I affirm that the contents of this PDF file order are same word to word, as per the original order.

Name of Stenographer : P.H.Khodake, Steno(G-I)  
Court : Principal District and  
Sessions Judge, Wardha  
Date : 04.02.2020  
Order signed by the : 04.02.2020  
Presiding Officer on  
Order uploaded on : 04.02.2020