

ORDER BELOW EXH. 4 IN CRI. APPEAL NO. 8/2023

01. Read application. Heard advocate. Perused copy of judgment. It appears that, Ld. Additional C.J.M., Osmanabad has convicted the appellant/accused for the offence punishable under sec.138 of the N.I.Act. and sentenced to suffer S.I. for two months and directed to pay the compensation as per under Section 357(3) of Cr.P.C. of cheque amount i.e. Rs.2,80,000/- along with simple interest @ 9% per annum from the date of issuance of cheque, till actual payment.

02. It further appears that, disputed cheque was issued on 22.02.2015 i.e. near about eight years ago. Therefore, after laps of eight years, the compensation amount must be more than Rs.2,01,600/-.

03. The offence punishable under Section 138 of N.I. Act is bailable and compoundable. Accused has challenged the order of conviction by filing this appeal. The appeal will take time for the hearing. Hence, substantive sentence of imprisonment awarded by trial Court is hereby suspended till disposal of the appeal with certain terms and conditions i.e. to deposit 20% amount of arrears of compensation i.e. Rs.96,320/- its round up Rs.96,000/-.

04. The advocate of applicant/accused has requested two weeks time to deposit 20% amount of cheque. However, in view

of calculations noted in para 3 of the order, I proceed following order.

-ORDER-

1. The Judgment and order conviction awarded by trial court is hereby suspended subject to depositing 20% amount of compensation i.e. Rs.96,000/- within two weeks in this court. If appellant/accused fails to deposit such amount within stipulated period, then the order of suspension of sentence will be cancelled automatically.
2. During the time, the appellant/accused is enlarged on bail executing P.R. bond of Rs.25,000/- and SB of like amount.

Dt.- 21.04.2023.

Sd/-
(V. G. Mohite)
I/c. District Judge-2
Addl. Sessions Judge,
Osmanabad

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer - Mahesh Abhimanyu Pawar

Court - Additional Session Court,
Osmanabad

Date of order/Judgment - 21.04.2023

Date of order/judgment signed - 21.04.2023
by presiding officer.

Judgment/Order uploaded on - 21.04.2023

