

IN THE COURT OF SESSIONS JUDGE,
DAMAN.

Cri. Appeal No.11/2025

C.N.R.No.UTDD01001652025

Lahu V/s. Ramesh

Order Below Exh.4

(Passed on 20/12/2025)

1] By this application, the applicant/original accused is seeking suspension of sentence pending the appeal, wherein he has challenged the judgment dated 20-11-2025 recording conviction against him for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short “the Act”) by learned Judicial Magistrate First Class, Daman (for short “the trial Court”) in Summary Criminal Case No.423/2023.

2] Heard learned counsel Smt. Alpha Rathod for the applicant/original accused. Perused the application, memorandum of appeal and judgment impugned.

3] Upon careful scrutiny of the impugned judgment, it reveals that the applicant/original accused has been sentenced to suffer rigorous imprisonment for six months and is also directed to pay compensation of Rs.5,00,000/-, and in default is directed to suffer simple imprisonment for three months. The applicant/original accused has challenged the conviction and sentence on various grounds, which are incorporated in the memorandum of appeal. Furthermore, the applicant/original accused was on bail pending the trial and has had not misused the liberty granted to him by the trial Court.

4] It is pertinent to note here that provisions of Section 148 (1) of the Act mandates that the appellate court may order the appellant to deposit such sum, which shall be a minimum of twenty percent of the fine

or compensation amount as awarded by the trial court. In the present case as stated here-in-above compensation of Rs.5,00,000/- has been granted by the trial court. The appellant thus needs to be directed to deposit twenty percent of the compensation amount at this stage. In such set of facts, suspension of substantive sentence deserves to be allowed. Hence, I pass the following order.

ORDER

- 1] The application (Exh.4) is allowed, and
- 2] The substantive sentence of simple imprisonment of six months passed in Summary Criminal Case No.423/2023 against the applicant/ original accused stands suspended, pending the appeal subject to deposit of 20% of the fine/compensation amount i.e. Rs.5,00,000/- granted by the trial court vide the impugned judgment, within a period of fifteen days.

Place : Daman
Date: 20/12/2025.

(Rajesh S. Tiwari)
Sessions Judge,
Daman.

CERTIFICATE

I hereby certify that the contents of this PDF file are word to word as per the original order.

Name of P.A.	:	D.S. Gajbhiye
Name of Court	:	Sessions Court, Daman
Date of pronouncement of order	:	20.12.2025
Order signed by the P.O. on	:	20.12.2025.
Date of uploading PDF on	:	05.01.2026