



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPR) NO.232/2026
IN
CRIMINAL REVISION APPLICATION NO.90/2017

Sanjay s/o Potanlal Kshirsagar
...Versus...
Lakhanlal S/o Ramdin Gadewar and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. S.D. Chande, Advocate for applicant
Mr. K.R. Lule, APP for respondent No.2

CORAM : MEHROZ K. PATHAN, J.
DATE : 31/08/2026

1. The present application is filed for suspension of sentence imposed upon the applicant by the learned Trial Court vide common judgment and order dated 21/03/2014 passed in Summary Criminal Case Nos.676/2008 and 677/2008, thereby convicting the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and directed to undergo imprisonment for a period of 2 years with a further direction to pay a fine of Rs.1,50,000/- for each cheque.

2. Mr. Chande, learned Counsel for the applicant submits that the applicant is arrested in pursuance to the order dated 14/07/2026, passed by this Court, as the application came to be dismissed for want of prosecution. The applicant came to be arrested on 31/07/2026 and is behind bars since then. The applicant was on bail during the trial. Even during the pendency of the appeal, the applicant was on bail. There is

no complaint that the applicant has earlier violated any bail conditions either imposed by the learned Trial Court or the learned Appellate Court. The applicant has already shown his *bona fides* by depositing the entire cheque amount in this case i.e. Rs.1,50,000/-. The applicant is further ready to abide with the conditions that may be imposed by this Court. He, therefore, prays to release the applicant by allowing the application for suspension of sentence.

3. Mr. Lule, learned Additional Public Prosecutor for the respondent No.2 though strongly opposes the application, however, submits that the applicant has shown his *bona fides* by depositing an amount of Rs.1,50,000/-. The complainant was intimated about the pendency of the present application by the concerned Police Station Officer, however, the complainant/respondent No.1 has failed to appear in the present application. Hence, appropriate order may be passed.

4. Taking into consideration the fact that the applicant has shown his *bona fides* by depositing the cheque amount in this case i.e. Rs.1,50,000/-. The applicant came to be arrested only in pursuance to the orders passed by this Court on 14/07/2026, vide which the Revision Application was dismissed for want of prosecution along with application for restoration. The applicant was on bail during the trial and also during the pendency of the appeal. There are no complaints that the applicant earlier violated any conditions imposed by this Court and any subsequent threats being extended to the complainant. I am therefore inclined to exercise the discretion under Section 430 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to release the

applicant. Hence, the following order is passed : -

ORDER

(i) Criminal Application is allowed.

(ii) Substantive sentence imposed upon the present applicant by the learned Sessions Judge, Gondia vide judgment and order dated 30/06/2017 passed in Criminal Appeal No.5/2014 is suspended.

(iii) The applicant is directed to be released on bail upon furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iv) The applicant shall attend the concerned Police Station once in every six month from 10th September, 2026 and onwards.

(v) The applicant shall remain present as and when so directed by this Court at the time of final hearing of the Criminal Revision Application

(vi) The complainant Lakhanlal s/o Ramdin Gadewar, the respondent No.1 herein, is permitted to withdraw the amount of Rs.1,50,000/-, deposited by the applicant in this Court.

(vii) The learned Additional Public Prosecutor is requested to intimate the respondent No.1/complainant about the order passed by this Court today and submit a compliance report.

(viii) Stand over to 04/09/2026 for compliance report.

(MEHROZ K. PATHAN, J.)

Wadkar