

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1144 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 39 OF 2015**

GULAB S/O REKHA PAWAR

V/S

THE STATE OF MAHARASHTRA AND ANR.

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Mr.V.D.Gunale, Advocate for Applicant.

Mr. S.A.Ambad, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 5th MARCH, 2015

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PER COURT :

1. Leave is granted to the learned counsel for the applicant to make correction on page No. 6 of the present Criminal Application.

2. This is an application for suspension of substantive jail sentence and for grant of bail.

3. Heard Mr. V.D.Gunale, the learned counsel for the applicant and Mr. S.A.Ambad, the learned A.P.P. for respondent No. 1 – State.

4. The applicant is convicted by the learned Judicial Magistrate First Class, Latur by his Judgment and Order dated 20/02/2014 in S.T.C. No. 1549/2010 for the offence u/s 138 of the Negotiable Instruments Act, 1881 and is directed to suffer Simple Imprisonment for 3 months and to pay fine of Rs. 5,000/- [Rupees Five Thousand] in default to suffer Simple Imprisonment for 15 days. The Appeal carried by the applicant bearing Criminal Appeal No. 37/2014 is also dismissed by the learned 2nd Additional Sessions Judge, Latur by his Judgment and Order dated 25/02/2015.

5. The applicant was on bail during trial and also during the pendency of Appeal.

6. From the date of the Order of the appellate Court i.e. 25/02/2015, the applicant is in jail, is the statement made in the application. Looking to the nature of the offence and the period for which the present applicant is directed to suffer sentence for three months, it is expedient in the interest of justice to suspend the substantive jail sentence, especially when the applicant has deposited fine amount.

7. Hence, I pass the following order :

(1) The present Criminal Application is allowed.

(2) The substantive jail sentence imposed by the learned Judicial Magistrate First Class, Latur in S.T.C. No. 1549/2010, which is confirmed by the

learned 2nd Additional Sessions Judge, Latur in Criminal Appeal No. 37/2014 is hereby suspended during the pendency of the present Criminal Revision Application.

- (3) The applicant Gulab S/o Rekha Pawar be released on bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety in the like amount. Bail before the trial Court.
- (4) The applicant is directed to remain present before this Court at the time of final hearing.

[V.M.DESHPANDE, J.]