

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

**CRIMINAL APPLICATION NO. 1215 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 42 OF 2014**

GAUS KHAN MAHEBOOB KHAN PATHAN

V/S

MAROTIRAO VENKATRAO DHOBLE
.....

Mr.G.G.Kadam, Advocate for Applicant.
.....

CORAM : V.M.DESHPANDE, J.

DATE : 5th MARCH, 2015
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PER COURT :

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard Mr. G.G.Kadam, the learned counsel for the applicant.
3. The present applicant is convicted by the learned Judicial Magistrate First Class, Court No. 1, Parbhani by his Judgment and Order dated 17/07/2009 in S.C.C. No. 151/2007 for the offence u/s 138 of the Negotiable Instruments Act, 1881 and is directed to suffer Rigorous Imprisonment for three months and to pay fine of Rs. 5,000/-

[Rupees Five Thousand] in default to suffer Simple Imprisonment for one month. The Appeal carried by the applicant bearing Criminal Appeal No. 45/2009 is also dismissed by the learned Extra Joint Ad-hoc Additional Sessions Judge, Parbhani by his Judgment and Order dated 17/02/2014. The applicant, therefore, filed Criminal Revision Application No. 42 of 2014 before this Court. On 21/02/2014, this Court suspended the substantive jail sentence and directed that the applicant be released on bail on his executing P.R.Bond of Rs. 20,000/- [Rupees Twenty Thousand] and also on furnishing surety in the like amount. Accordingly, the applicant was released on bail. In the Criminal Revision Application No. 42 of 2014 the applicant committed certain lapses in the sense he has not supplied the correct address of respondent/complainant. Therefore, this Court passed order dated 17/12/2014 that if the fresh address is not supplied prior to 09/01/2015, the matter shall stand dismissed without back reference to the Court.

4. It appears that the applicant could not supply fresh address. Therefore, in view of the Order dated 17/12/2014, the Revision was dismissed and the applicant was taken in custody on 20/02/2015 and from that date he is languishing in jail.

5. The applicant has preferred application for restoration of Criminal Revision Application along with the application for condonation of delay. Both these applications are allowed by this Court today and the Criminal Revision

Application is restored.

6. Since the Revision is restored and since the applicant was granted bail by this Court and looking to the nature of the offence in the interest of justice, the present Criminal Application is allowed. The applicant Gous Khan Maheboob Khan Pathan be released on bail on he executing P.R. Bond of Rs. 20,000/- [Rupees Twenty Thousand] with two solvent sureties of the like amount. Bail before the trial Court. It is directed that the applicant shall remain present before this Court at the time of admission of the present Criminal Revision Application.

[V.M.DESHPANDE, J.]