

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

CRIMINAL APPLN/5/2016 IN REVN/2/2016

SANJAY NANDLAL AGRAWAL
VERSUS
VASANTRAO GANPAT TAYADE AND ANOTHER

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Advocate for Applicants : Mr A G Talhar
APP for Respondents: Mr S N Kendre

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CORAM : V.K. JADHAV, J.
Dated: January 07, 2016

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PER COURT :-

1. The applicant/original accused was convicted by the Trial Court for the offence punishable under section 138 of the Negotiable Instruments Act and sentenced to suffer S.I. For one month and further directed to pay compensation of Rs.1,00,000/- (Rs. One lac) to the complainant as per section 357(3) of the code of Criminal Procedure within one month from the date of the order and in default to suffer S.I. For one month. Being aggrieved by the same, the accused preferred Criminal Appeal before the Sessions Judge, Jalgaon. The Sessions Judge, Jalgaon also confirmed the said judgment and order of conviction in Criminal Appeal No.78/2010.
2. The applicant preferred Criminal Revision Application and present application is filed for suspension of the sentence imposed upon him and release on bail.
3. Learned counsel submits that during the trial the petitioner was on bail and even during the pendency of the appeal he was on bail. Hence, the applicant be released on bail.

4. In view of this, following order.

O R D E R

1. Criminal Application is hereby allowed.
2. The Judgment and Order of conviction and sentence passed by the 6th Judicial Magistrate First Class, Jalgaon in SCC No.2298/2008 and confirmed by the Sessions Judge, Jalgaon in Criminal Appeal No.78/2010 is hereby suspended during pendency of Criminal Revision Application No.5/2016 on condition that the applicant Sanjay Nandlal Agrawal shall deposit 50% of the compensation amount, in this Court, within a period of four weeks from today. The applicant Sanjay Nandlal Agrawal be released on bail, on his furnishing a P.B. Of Rs.5,000/- (Rs. Five Thousand) with one surety of the like amount.
2. Bail before the trial Court.
3. Criminal Application is disposed of accordingly.

(V.K. JADHAV, J.)

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aaa/-