

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 831 OF 2016
IN
CRIMINAL REVISION APPLICATION STAMP NO. 35 OF 2016

PRAKASH TUKARAM GAIKWAD.
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. Niteen V. Gaware
APP for Respondent No. 1 : Mr. B. A. Shinde
Advocate for Respondent No. 2 : Mr. R. R. Karpe
.....

CORAM : V. K. JADHAV, J.

DATED : 17th FEBRUARY, 2016

PER COURT :-

1. The applicant-original accused is convicted by Judicial Magistrate First Class, Shrigonda, District Ahmednagar by order dated 25.05.2010 in S.C.C. No. 598 of 2005 for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 and sentenced to pay fine of Rs.1,70,000/- i.d. to undergo simple imprisonment for a period of five months and further directed that, out of the said amount, a sum of Rs.1,65,000/- be paid to the complainant institution by way of compensation. Learned Sessions Judge, Ahmednagar, by order dated 16.10.2015, confirmed the said order and accordingly, dismissed Criminal Appeal No. 117 of 2010.

2. Being aggrieved by the same, the applicant-original accused preferred Criminal Revision Application, which is admitted by this Court

today.

3. Learned counsel for the applicant submits that during the course of trial and even during pendency of the appeal, the applicant was on bail. Learned counsel further submits that the applicant-original accused has deposited Rs.1,65,000/- out of the fine amount before this Court and the applicant-original accused has already deposited Rs.5,000/- before the trial court. In view of this, the following order is passed:

O R D E R

- I. The Criminal Application is hereby allowed.
- II. The substantive part of the sentence passed by Judicial Magistrate First Class, Shrigonda, District Ahmednagar by order dated 25.05.2010 in S.C.C. No.598 of 2005, which is confirmed by Sessions Judge, Ahmednagar by order dated 16.10.2015 in Criminal Appeal No. 117 of 2010, is hereby suspended till the disposal of Criminal Revision Application Stamp No. 35 of 2016.
- III. The applicant viz. Prakash Tukaram Gaikwad be released on bail on his furnishing P.R. bond of Rs.5,000/- with one surety in the like amount. Bail before the trial court.
- IV. The Criminal Application is disposed of in the above terms.

(V. K. JADHAV, J.)

vre/-