

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**5 CRIMINAL APPLICATION NO. 973 OF 2016
IN REVN NO.44 OF 2016**

**SHIVHAR S/O. MAHADEO AKUSKAR
VERSUS**

THE STATE OF MAHARASHTRA AND ANR

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**Advocate for Applicant : Mr.Gaikwad T. G.
APP for Respondent State: Mr. P. N. Kutti**

CORAM : V. K. JADHAV, J.

DATE : 15th February, 2016

PER COURT :

1. Heard.
2. The applicant accused is convicted by the Judicial Magistrate, First Class, Ambajogai by order dated 19.10.2010 in SCC No.1424/2006 for the offence punishable under section 138 of the Negotiable Instruments Act and sentenced to undergo R.I. for two months and to also pay compensation of Rs.75,000/- to the complainant. The learned Additional Sessions Judge, Ambajogai, by order dated 05.01.2016 in Criminal Appeal No.19/2010, confirmed the said order of conviction and accordingly dismissed the appeal. Aggrieved by the same, the applicant has preferred Criminal Revision Application No.44/2016, which is pending before this Court.
3. Learned counsel submits that during the course of trial and even during the pendency of criminal appeal, the applicant was on bail. The learned counsel further

submits that the applicant/original accused has deposited Rs.19,500/- before the trial Court and ready to deposit remaining amount of compensation within two weeks.

4. In view of this, following order is passed:

O R D E R

- i. The order of conviction, passed by the Judicial Magistrate, First Class, Ambajogai dated 19.10.2010 in SCC No.1424/2006 and confirmed by the learned Additional Sessions Judge, Ambajogai by order dated 05.01.2016 in Criminal Appeal No.19/2010, is hereby suspended till disposal of the criminal revision application.
- ii. The applicant Shivhar Mahadeo Akuskar be released on bail on his furnishing personal bond of Rs.5000/- (Rupees five thousand only) with one surety in the like amount. Bail before the trial court.
- iii. The applicant shall deposit Rs.55,500/- before this Court within two weeks from today. In view of this, the order directing the applicant to pay Rs.75,000/- as compensation is hereby stayed.
- iv. Criminal application is accordingly disposed of.

(V. K. JADHAV, J.)

JPC