

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1393 OF 2016

IN

CRIMINAL REVISION APPLICATION NO. 59 OF 2016

VIJAYKUMAR S/O DNYANOBA WAGHMODE

VERSUS

GOPAL S/O BHARATLAL DARAK AND ANOTHER

Advocate for the applicant: Mr. T. M. Venjane
AGP for the respondent No.2 State: Mr. N. B. Patil

CORAM : V. K. JADHAV, J.

DATE : 3rd March, 2016.

PER COURT :

1. Heard.

2. The applicant /original accused is convicted by the Judicial Magistrate, First Class, Latur by order dated 19.07.2012 in STCC No.841/2010 for the offence punishable under section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for six months and further directed to pay compensation of Rs.2,70,000/- to the complainant and in default of payment of compensation, to undergo simple imprisonment for three months. The learned Additional Sessions Judge, Latur, by order dated 02.03.2016, in Criminal Appeal No.63/2012, confirmed the said order of

conviction and accordingly dismissed the appeal. Aggrieved by the same, the applicant has preferred Criminal Revision Application before this Court and pending the said criminal revision, filed the present application.

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 is ready to deposit 50% of the compensation amount within a period of two weeks from the date of this order. The learned counsel submits that Rs.50,000/- is already deposited before the lower appellate court.

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

O R D E R

i. Substantive part of conviction, passed by the Judicial Magistrate, First Class, Latur, dated 19.07.2012 in STCC No.841/2010 and confirmed by the learned Additional Sessions Judge, Latur by order dated 02.03.2016 in Criminal Appeal No.63/2012, is hereby suspended till disposal of the criminal revision application.

ii. The order directing the applicant/accused to pay

compensation of Rs.2,70,000/- to the complainant is hereby stayed on condition that the applicant/accused shall deposit Rs.85,000/- before this court within a period of two weeks from today.

- iii. The applicant Vijaykumar Dnyanoba Waghmode be released on bail on his furnishing personal bond of Rs.10,000/-(Rupees ten thousand only) with one surety in the like amount. Bail before the trial court.
- iv. Criminal application is accordingly disposed of.
- v. Authenticated copy be supplied.

(V. K. JADHAV, J.)

JPC