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

**CRIMINAL APPLICATION NO.5441 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.209 OF 2016**

Himmat Daga Patil

..APPLICANT

VERSUS

The State of Maharashtra & anr.

..RESPONDENTS

Mr P.B. Pawar, Advocate for applicant;

Mr N.T. Bhagat, Addl. Public Prosecutor for respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 29th September, 2016

ORAL ORDER :

Heard.

2. The applicant was convicted by Judicial Magistrate First Class, Sakri for an offence punishable under section 138 of the Negotiable Instruments Act, in S.T.C.C. No.189 of 2008, by judgment and order dated 26th November, 2012 and sentenced to undergo simple imprisonment for three months and to pay compensation of Rs.92,000/-, out of which it is claimed by the present applicant that he has deposited Rs.24,000/- before the appellate court. The appellate court i.e. Additional Sessions Judge, Dhule dismissed the appeal preferred by the applicant, vide judgment and order dated 26th September, 2016. Pursuant to the said judgment and order, it is informed that the applicant has already surrendered.

(2)

3. Learned Counsel submits that of the balance amount of compensation of Rs.68,000/-, the applicant is ready and willing to deposit an amount of Rs.34,000/- within four weeks from today. The statement is accepted in the form of an undertaking. The amount be deposited before this Court.

4. In view thereof, it is ordered that the substantive sentence is suspended and the applicant be released on bail on the same terms on which he was admitted to bail by the learned Trial Court.

5. It is made clear that if the amount as ordered is not deposited, the matter be placed before this Court for cancellation of bail of the applicant and in such eventuality, the applicant shall remain present before this Court.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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