

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

CRIMINAL APPLICATION NO. 6131 OF 2015 IN REVN/212/2015

MADHAV S/O HANMANTRAO WANTEKAR
VERSUS
BALAJI S/O RAMRAO SHINGATWAR AND ANOTHER.

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Advocate for Applicant : Mr G G Kadam
APP for Respondents: Mr B A Shinde

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CORAM : V.K. JADHAV, J.
Dated: January 05, 2016

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PER COURT :-

1. The applicant is convicted for the offence punishable under section 138 of the Negotiable Instruments Act by the learned Judicial Magistrate First Class Mukhed in SCC No.18/2012. The applicant has preferred Criminal Appeal No.2/2013 before the learned Sessions Judge, which came to be dismissed by order dated 2.11.2015. The applicant has, therefore, preferred criminal Revision Application before this Court and filed Criminal Application for suspension of the substantive sentence.

2. The applicant is convicted for the offence u/s 138 of the Negotiable Instruments Act and sentenced to suffer RI for six months and to pay a fine of Rs.4.00 lacs (Rs. Four lacs). On realization of the said fine amount, Rs.3,50,000/- is directed to be paid to the complainant. The learned counsel for the applicant submits that entire amount of fine has been deposited by the applicant. So, in view of this, following order is passed.

ORDER

1. The application is hereby allowed.

2. Substantive part of the sentence passed in SCC No.18/2012 dated 11.1.2013 and confirmed by the Additional Sessions Judge, Kandhar Camp at Mukhed, At Nanded in Criminal Appeal No.2/2013 is hereby suspended during the pendency of the Criminal Revision Application No.212/2015 and the applicant Madhav Hanmantrao Wantekar be released on bail on his furnishing a P.B. of Rs.10,000/- with one surety of the like amount. Hamdast allowed.

3. Application is disposed of accordingly.

(V.K. JADHAV, J.)

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aaa/-