

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 39 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 42 OF 2016

Gajanan Shivaji Aldar

.....Applicant

V/s.

The State of Maharashtra and another

....Respondents

Mr. Ranjit Patil for the applicant

Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 22, 2016.

PC :

Not on board. Upon production, taken on board.

Heard. Applicant herein is convicted in S.C.C. No. 1141 of 2006 by 4th Judicial Magistrate First Class, Sangli vide Judgment and Order dated 05/05/2010 for offence punishable under section 138 of Negotiable Instruments Act and is sentenced to undergo rigorous imprisonment for 3 months and fine of Rs. 2,000/- in default to suffer further rigorous imprisonment for 15 days. Being aggrieved by the said Judgment and Order, applicant herein had filed criminal appeal no. 180 of 2010 before Sessions

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Court at Sangli. Learned Additional Sessions Judge, Sangli vide Judgment and Order dated 21/01/2016 has been pleased to dismiss the appeal and has been taken into custody on 21/01/2016.

2) Learned counsel for the applicant upon instructions submits that fine amount has been deposited. It is further submitted that applicant was on bail during the pendency of bail and has not committed breach of any conditions imposed upon him. It is further submitted that sentence imposed upon the applicant is a short term sentence and that applicant is in custody. Hence, it is prayed that applicant be enlarged on bail during the pendency of revision application.

3) Taking into consideration the facts of the case and submissions advanced across the bar, application seeking suspension of substantive sentence deserves to be allowed.

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended and applicant be enlarged on bail, same bail fresh bonds.
- (iii) Fresh bonds be executed forthwith.

- (iv) Applicant shall report to Sessions Court Sangli once in six months, till the conclusion of revision application, as directed by the concerned court.
- (v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- (vi) Application stands disposed of.
- (vii) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)