

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 40 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 44 OF 2016

Shri Shamrao Balu Patil	...	Applicant
vs.		(Orig. Accused)
Yeshwantrao Chavan Gramin Bigar Sheti Sahakari Patsnastha Ltd. Kodoli & Anr.	...	Respondents

Mr. Anand S. Patil, Advocate for the applicant.
Mr. H.J.Dedhia,, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 27th January, 2016.

P.C.

1. Not on board. Upon production, taken on board.

2. The applicant herein is convicted for an offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer six months simple imprisonment and to pay compensation of Rs.25,000/- in default S.I. for one month in Summary Criminal Case No.111 of 2006 by the Judicial Magistrate, First Class, Panhala vide judgment and order dated 11.5.2010. Being aggrieved by the said judgment

and order, the applicant herein had filed Criminal Appeal No.142of 2010 before the Addl. Sessions Judge at Kolhapur. By a judgment and order dated 14.1.2016, the learned Sessions Judge, Kolhapur has been pleased to dismiss the appeal.

3. The learned counsel for the applicant submits that the applicant was taken into custody on 14.1.2016 and is still in custody. The applicant was directed to pay compensation of Rs.25,000/-. The applicant has deposited Rs.8,000/- before the appellate Court. The learned counsel for the applicant, upon instructions, submits that upon being enlarged on bail, the applicant would deposit an amount of Rs.10,000/- in the appellate Court within four weeks from today as the applicant has deposited an amount of Rs.8,000/- in the appellate Court.

4. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial as well as during the pendency of the appeal and has not committed breach of any conditions imposed upon him. It is also submitted that the applicant has been sentenced to a short-term imprisonment. The applicant has a good case on merits. Hence, he prays for enlargement on bail during the pendency of the present Revision

Application.

5. Taking into consideration the facts of the case and submissions advanced across the Bar, the applicant deserves to be enlarged on bail during the pendency of the Revision Application. Hence, the following order :-

ORDER

- (i) The application is allowed.
 - (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail, fresh bonds.
 - (iii) The applicant shall report to the Court of Judicial Magistrate, First Class, Panhala, once in six months on the date specified by that Court.
 - (iv) In case of failure to attend that Court on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.
 - (v) The parties to act on an authenticated copy of this order.
- Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)