

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.670 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.654 OF 2016**

Pradeep Bhausheb Bargale	...	Applicant
V/s.		
Mahaveer Satyappa Chougule & Anr.	...	Respondents
.....		

Mr.Nagesh Y. Chavan, Advocate for the Applicant.
Ms.A.A.Takalkar, APP for the Respondent/State.

CORAM : A. M. BADAR J.

DATED : 28th NOVEMBER 2016.

P.C.

1 Heard.

2 Perused the impugned Judgment passed by the learned
Special Judge and Additional Session Judge -2, Sangli on 7th October
2016 thereby dismissing the appeal of the present applicant/accused.

3 The applicant/accused had faced trial of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. he was sentenced to suffer rigorous imprisonment for four months and to pay fine of Rs.40,000/- in default to undergo simple imprisonment for two months upon finding him guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 by the learned Judicial Magistrate First Class, Miraj on 9th December 2010. His appeal

is dismissed by the appellant Court. My attention is drawn to receipt of payment of fine amount of Rs.40,000/- on 9th December 2010 by the applicant. As the applicant has already deposited the fine amount way back in the year 2010 and as short sentence is imposed on him, the applicant/accused deserved to be released on bail by suspending the sentence as hearing of the Revision may take its own time.

Therefore, the application is allowed.

4 The substantive sentence of imprisonment passed by the learned Judicial Magistrate First Class, Miraj on 9th December 2010 against the applicant, which is confirmed by the Appellant court on 7th October 2016 is suspended and the applicant/accused is directed to be released on same bail with fresh bond before the trial Court.

The application is disposed of with this order.

(A. M. BADAR J.)