

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

**CRIMINAL REVISION APPLICATION NO. 112 OF 2016
WITH
CRIMINAL APPLICATION NO. 2329 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 112 OF 2016**

Ashok Ananda Gaikwad

..APPLICANT

VERSUS

Padmakar Ramesh Harba and Another

..RESPONDENTS

....

Mr. R.S. Kasar, Advocate for applicant.

Mr. S.J. Salgare, A.P.P. for Respondent No.2 - State.

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**CORAM : T.V. NALAWADE, J.
DATED : 25th JANUARY, 2017**

ORDER :

1. Issue notice to respondents, returnable on 24th February, 2017.

Learned A.P.P. waives service of notice for Respondent No.2 – State.

2. Learned Counsel for applicant argued for stay to the substantive sentence. The petitioner is sentenced to suffer rigorous imprisonment for three months and to pay compensation of Rs.1,50,000/- for offence punishable under Sections 138 of the Negotiable Instruments Act. Sessions Court has confirmed this conviction and sentence.

Statement was made by learned Counsel for applicant that applicant has surrendered for undergoing sentence today. The acknowledgment of Bhingar Camp Police Station, Ahmednagar is produced to show that applicant has surrendered and he came to be produced before the Court on 24th January, 2017.

3. It appears that only amount of Rs.2,000/- is deposited when compensation amount is of Rs.1,50,000/-. In view of settled position of law, at least 50% of the compensation amount needs to be deposited for getting suspension of substantive sentence. If such amount is deposited (now the amount of Rs.73,000/- needs to be deposited), the applicant is to be released on bail on furnishing of P.R. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousands Only). The amount can be deposited in this Court. If the amount is deposited, it should not be paid to anybody until order made by this Court.

4. In the result, Criminal Application No. 2329 of 2016 stands disposed of.

(T.V. NALAWADE, J.)

SSD