

Mr. V. V. Gangurde, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 21st SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the applicant.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his revision.
3. Learned Counsel for the applicant submits that the applicant was convicted by the learned Judicial Magistrate First Class, Baramati vide Judgment and Order dated 16th March, 2017 passed in Summary Criminal Case No. 663 of 2007, for the offence punishable under Section 138 of the

Negotiable Instrument Act, and was sentenced to suffer simple imprisonment for a period of three months. The learned Judge was also pleased to direct the applicant to pay compensation of Rs. 16,15,000/- to the respondent No.1.

4. Against the said judgment and order of conviction and sentence, the applicant preferred an appeal, being Criminal Appeal No. 21 of 2017. It appears that as the applicant and his Advocate were absent, when the criminal appeal was called out, the appeal was dismissed by the learned Sessions Judge, vide order dated 26th July, 2017. Admittedly, the said appeal was not dismissed on merits.

5. In the peculiar facts and circumstances of this case, the application is allowed. The sentence of the applicant is suspended and the applicant is enlarged on bail, pending the hearing and final disposal of his revision, on the following terms and conditions:-

ORDER

- (i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.