

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 525 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 544 OF 2018**

**WITH
CRIMINAL APPLICATION NO. 526 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 545 OF 2018**

**WITH
CRIMINAL APPLICATION NO. 524 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 543 OF 2018**

**WITH
CRIMINAL APPLICATION NO. 527 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 546 OF 2018**

Shri Parshuram Krishna Pawar ...Applicant

Versus

Suresh Bhagawan Akhade & Anr. ...Respondents

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Mr.Shashank C. Mangle for the Applicant.
Mr.S.S.Hulke, APP for Respondent No.2 – State.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: OCTOBER 31, 2018**

P.C.:

1. These Applications are moved by the applicant/accused for bail and suspension of sentence. The applicant/accused is convicted for the offence punishable under Section 138 of the Negotiable Instrument Act

and is sentenced to suffer S.I. for one year and fine of Rs. 7,25,000/- in each case, in default to suffer S.I. for six months and also directed that upon realization of fine, the whole amount be paid to the complainant as compensation by the judgments and orders dated 2nd December, 2017 passed by the learned Judicial Magistrate First Class, Ratnagiri in S.C.C. Nos. 501 of 2013, 500 of 2013, 499 of 2013 and 498 of 2013 respectively.

2. Against the said judgments and orders, the applicant/accused preferred Criminal Appeal Nos. 3 of 2018, 4 of 2018, 2 of 2018 and 1 of 2018 respectively. The learned Sessions Judge, Ratnagiri by the judgments and orders dated 9th August, 2018 has confirmed the conviction given by the learned Judicial Magistrate First Class, Ratnagiri and dismissed the Appeals.

3. The learned counsel for the applicant/accused submits that the applicant/accused is not arrested, however, conviction warrants are issued against him in all four cases. He further submits that the offence is bailable. The applicant/accused has good case on merits. He further submits that the applicant/accused was on bail throughout the trial and Appeal. He further submits that the applicant/accused has gone under heart surgery. He further submits that the applicant/accused is ready to deposit 50% of the amount of compensation in each case on or before 4th

December, 2018 in the Court of Judicial Magistrate First Class, Ratnagiri. Hence, he prays that the applicant/accused be released on bail and sentence be suspended.

4. The learned APP submits to the order of the Court.

5. In view of the submissions of learned counsel and considering the nature of the offence, the sentence is hereby suspended. Applications are allowed with following order:

ORDER

(i) The applicant/accused is directed to deposit 50% of the amount of compensation in each case. Out of that, 25% of the amount of compensation in each case is to be deposited on or before 13th November, 2018 and the remaining 25% of the amount of compensation in each case is to be deposited on or before 4th December 2018 in the Court of Judicial Magistrate First Class, Ratnagiri.

(ii) The applicant/accused is directed to appear before the Judicial Magistrate First Class, Ratnagiri on 14th November, 2018 along with receipt or challan showing payment of compensation. After verifying the challan or receipt of payment of 25% of the amount of compensation in each case, the learned Judicial Magistrate First Class may

entertain the bail application. Till then, no coercive action shall be taken against the applicant/accused pursuant to issuance of conviction warrants.

(iii) The applicant/accused will make himself available at the time of hearing of Revision Applications.

6. Criminal Applications are allowed and are disposed of accordingly.

CRIMINAL REVISION APPLICATION NOS. 543 OF 2018 TO 546 OF 2018.

7. Issue notice to respondent No.1, returnable on 16th January, 2019.

(MRIDULA BHATKAR, J.)