

Anand

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

**CRIMINAL APPLICATION NO. 56 OF 2018
IN
CRI. REVISION APPLICATION NO. 71 OF 2018**

Ambika Fabricators through .Applicant
Kashinath Haribhau Wadekar

Vs.

The State of Maharashtra & anr. .Respondents

Mr. P. Thorat i/b. Ms A. S. Naikare, Advocate, for the Applicant
Mr. V. Chate, APP, for the Respondent No. 1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.01.2018

P.C.

. Mentioned. Not on board. Taken on board.

2. This matter has been produced before this Court as the Court (Coram : P. D. Naik, J.), which is seized of this matter, is not available today.

3. By this Application, the Applicant seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of the aforesaid Revision Application.

4. Perused the papers.

5. The Applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act vide Judgment and Order dated 29.12.2008 passed by the learned Judicial Magistrate First Class, Pimpri, Pune in C. C. No. 6222 of 2006 and was sentenced to suffer S. I. for six months and was also directed to pay a sum of Rs. 4,00,000/- to the Respondent, in default to further undergo S. I. for two months.

6. Being aggrieved by the said Judgment and Order of conviction and sentence passed by the trial Court, the Applicant filed an Appeal in the Sessions Court, being Cri. Appeal No. 42 of 2009. The learned Sessions Judge was pleased to confirm the order of conviction, however, was pleased to reduce the imprisonment from six months to three months.

7. Learned counsel for the Applicant submits that the Applicant has already deposited Rs. 1,00,000/- in the trial Court pending the Appeal in the Sessions Court. He further on instructions states that the Applicant will deposit Rs. 1,00,000/- within one week

from today and the balance amount of Rs. 2,00,000/- within six weeks from today. Statement accepted.

8. In view of the aforesaid, the Application is allowed. The Applicant's sentence is suspended and he is enlarged on bail pending the hearing and final disposal of the aforesaid Revision Application on the following terms & conditions:-

O R D E R

- (i) The Applicant be released on cash bail in the sum of Rs. 10,000/- for a period of four weeks;
- (ii) The Applicant shall thereafter furnish P.R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount within a period of four weeks of his release on cash bail.

9. Accordingly, the Application is disposed of on the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)