

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 326 OF 2016****IN****CRIMINAL REVISION APPLICATION NO. 333 OF 2016**

Subhash Waman Awate

....Applicant

Vs.

Bhalchandra Sopan Gawane & Anr.

....Respondents.

Mr. Harshad Bhadbhade for the Applicant.

Mr. Amit Ghag for the Respondent No.1.

Smt. Veera Shinde APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 29th AUGUST, 2018.****P.C.:-**

This is an Application for suspension of sentence and for releasing the Applicant on bail.

2 The Applicant has been convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer simple imprisonment for three months and to pay a fine of Rs.5,75,000/-, in default of payment of fine, to further undergo prescribed sentence, by the learned Metropolitan Magistrate, 30th Court, Kurla, Mumbai by its Judgment and Order dated 11th August, 2014.

The Criminal Appeal No. 823 of 2014 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge,

Greater Mumbai by its Order dated 28th April, 2016.

3 Mr. Bhadbhade, the learned counsel for the Applicant submitted that, the Applicant has already deposited a sum of Rs.1,75,000/- in the Registry of the Trial Court. That, an amount of Rs.4,00,000/- has been deposited in the Registry of this Court in pursuance of the Order dated 21st June, 2016 passed by this Court. The Applicant has thus, already deposited the entire fine amount.

4 The maximum sentence imposed upon the Applicant is three months of simple imprisonment and as the possibility of hearing of the present Revision Application on merits in near future is remote, I am inclined to release the Applicant on bail.

Hence the following order-

- a) During the pendency of the Revision, the substantive sentence imposed upon the Applicant is suspended.
- b) During the pendency of the Revision, the Applicant be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

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