

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

**CRIMINAL APPLICATION NO.535 OF 2018
IN
CRIMINAL REVISION APPLICATION st. NO.560 OF 2018**

with

**CRIMINAL APPLICATION NO.536 OF 2018
IN
CRIMINAL REVISION APPLICATION st. NO.560 OF 2018**

Vikram Gajanan Kushte

... Applicant

Vs.

Shree Kapileshwar Nagari
Sahakari Patsanstha Ltd., Kolhapur & Ors.

... Respondents

Mr.Kedar Pralhad Lad for the Applicant

Ms.Rutuja Ambekar, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: OCTOBER 15, 2018

P.C.:

1. The applicant/accused is convicted by judgment and order dated 6.5.2010 passed by the learned 5th Judicial Magistrate First Class, Kolhapur, and he is sentenced to suffer 3 months S.I. and fine of Rs.3,000/- and in default to suffer 15 days S.I. Out of the fine amount, Rs.1,000/- is to be deposited in the Government

Treasury and the balance amount of Rs.2,000/- to be paid to the complainant institution. Against the said order, the applicant/accused filed Criminal Appeal No.123 of 2010. The appeal was dismissed by the learned Additional Sessions Judge, Kolhapur, vide judgment and order dated 17.4.2018.

2. The learned Counsel for the applicant/accused submits that the applicant/accused was arrested on 4.10.2018 and, therefore, be bailed out. The learned Counsel submits that the applicant was on bail throughout and the offence is bailable. The learned Counsel also submitted that during the pendency of the appeal, the applicant/accused has deposited the entire due amount of Rs.5,50,000/- which was the disputed amount.

3. The learned Prosecutor is present and opposes the application.

4. Heard. In view of the submissions of the learned Counsel for the applicant, the applications are allowed on the following terms:

- i) The impugned judgment and sentence dated 6.5.2010 is suspended during the pendency of the revision application.

ii) The applicant/accused be released on bail upon furnishing bond in the sum of Rs.15,000/- with one surety in the like amount;

iii) The applicant/accused shall not abuse the bail.

iv) The applicant/accused to furnish his contact details and address to the Investigating Officer.

5. The Applications are disposed of in the above terms.

6. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)