

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

**CRIMINAL APPLICATION NO. 559 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 588 OF 2018**

Mr.Madhukar Ganpat Patil

...Applicant

Versus

Warana Sahakari Bank Ltd. & Anr.

...Respondents

Mr.Paras Yadav for the Applicant.

Mrs.Rutuja Ambekar, APP for Respondent No.2- State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 29 OCTOBER 2018**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. This Application is 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 six months and directed to pay compensation of Rs. 70,000/- to the original complainant/respondent No.1 by the judgment and order dated 2nd November, 2007 passed by the learned Judicial Magistrate First Class, Panhala, Dist. Kolhapur in S.C.C. No. 142 of 2005. Against the said judgment and order, the

applicant/accused preferred Criminal Appeal No. 167 of 2007 before the Sessions Court, Kolhapur. The learned Additional Sessions Judge, Kolhapur by the judgment and order dated 27th September, 2018 has confirmed the conviction given by the learned Judicial Magistrate First Class, Panhala, Dist. Kolhapur and dismissed the Appeal.

3. The learned counsel for the applicant/accused submits that the applicant/accused is not arrested.

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

5. The original complainant had filed a case in the year 2005. There is concurrent judgment of conviction, however, the applicant/accused was on bail throughout the trial and Appeal.

6. In view of the submissions of learned counsel and considering the nature of the offence, the applicant/accused is directed to surrender before the learned Judicial Magistrate First Class, Panhala, Dist. Kolhapur on 1st November, 2018 along with receipt or challan showing the payment of Rs. 70,000/- towards compensation. After verification of receipt or challan of payment of Rs. 70,000/- towards compensation, the learned Judicial Magistrate First Class,

Panhala, Dist. Kolhapur to consider the bail. The sentence is suspended, till final hearing and disposal of the Revision Application.

7. Criminal Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)