

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 568 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 598 OF 2018**

Dasrath Ramchandra Ghorpade ... Applicant
vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Sachin H. Deokar, Advocate for the applicant.
Ms. Veera Shinde, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 1st November, 2018**

P.C. :

Upon mentioning, taken on production board.

2. This Criminal Application is moved by the applicant/accused for suspension of sentence and for bail. The applicant/accused is convicted under section 138 of Negotiable Instruments Act by order dated 19th September, 2015 passed by the 18th Judicial Magistrate First Class, Pune and is sentenced to suffer S.I. for 6 months and directed to pay fine of Rs.12,72,000/- towards the compensation to the original complainant on or before 1st December, 2015. The said order was challenged in Criminal Appeal No. 520 of 2015. The said Appeal was dismissed by

judgment and order dated 31st October, 2018 passed by the learned Additional Sessions Judge, Pune and order of the trial Court was confirmed with modification that the substantive sentence of S.I. for 6 months was reduced to S.I. for 3 months. The applicant/accused is taken in custody. Hence this Application.

3. The learned counsel for the applicant submitted that the offence is bailable. The applicant/accused was on bail throughout the trial and Appeal. On instructions, the learned counsel makes statement that the applicant/accused is ready to settle the matter by paying the amount of compensation.

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, following order is passed:

- (i) Application is allowed;
- (ii) The applicant/accused is directed to deposit 50% of the amount of compensation on or before 26th November, 2018 and remaining 50% of the amount of compensation on or before 20th December, 2018. This

is a condition precedent for suspension of sentence;

- (iii) The sentence of conviction is suspended;
- (iv) The applicant/accused is released on bail on furnishing P.R. Bond in a sum of Rs.20,000/- with one or two sureties in the like amount;
- (v) The applicant shall not jump the bail;
- (vi) The applicant shall furnish his permanent address and contact number to the Investigating officer.
- (vii) The applicant shall make himself available at the time of hearing of Revision Application.

- 6. Criminal Application is disposed of on above terms.
- 7. Parties to act upon the authenticated copy of this order.

(MRIDULA BHATKAR, J.)