

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL REVISION APPLICATION NO.100/2017**

**Raj @ Raju Keshavrao Dongre**

**..vs..**

**Satish s/o Amarchand Bagde**

.....  
Office Notes, Office Memoranda of Coram,  
appearances, Court orders or directions  
and Registrar's orders

Court's or Judge's Order

.....  
Shri N.S. Giripunje, Counsel for the applicant.

**CORAM : V.M. DESHPANDE, J.**

**DATED : FEBRUARY 8, 2018.**

1. Heard learned counsel Shri N.S. Giripunje for the applicant.
2. The applicant was convicted by learned Judicial Magistrate First Class, Court No.12 at Amravati on 22.6.2011 in Summary Criminal Case No.909/2005 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The applicant was directed to suffer simple imprisonment for 60 days and to pay compensation of Rs.95,000/-. Being aggrieved by the said, the present applicant preferred a statutory appeal bearing Criminal Appeal No.99/2011. The said appeal was dismissed by learned Additional Sessions Judge-3 at Amravati on 17.6.2017.
3. The Notice was issued to the non-applicant on this criminal revision application and the non-applicant is duly served. However, nobody is appearing on behalf of the non-applicant.

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4. The applicant also filed an application for suspension of substantive jail sentence. While considering the said application, it was noticed by this Court that though the powers were not available, the Lower Appellate Court exercised the powers under Section 389 of the Code of Criminal Procedure and suspended the substantive jail sentence in order to enable the applicant to approach to this Court.

5. Since the applicant was not taken into custody, the application of the applicant for suspension of substantive jail sentence was considered sympathetically by this Court on 31.8.2017 and the substantive jail sentence imposed upon the applicant was suspended on the condition that the applicant shall deposit entire amount of compensation within a period of 3 weeks from the said date. It was also made clear by the said order that if the amount is not deposited within a period of 3 weeks, the Court will revoke the order granting the bail in favour of the present applicant since the applicant was released on bail by this Court.

6. The applicant did not deposit the said amount as directed. On 10.11.2017, two weeks' time was granted by way of last chance to comply with order dated 31.8.2017.

7. The matter was then listed on 8.12.2017 before this Court (Coram : A.S. Chandurkar, J.). It was noticed by the Court on the said date that despite 3 months, the said amount was not deposited and, therefore, the order of bail was revoked. It was also made clear that it is open for the applicant to apply afresh after complying with the said

directions dated 31.8.2017.

8. Today, when the matter is taken up, learned counsel Shri N.S. Giripunje for the applicant submitted that till today the applicant has not deposited the amount towards the compensation. He submitted that he has instructions that the applicant is unable to deposit the amount. He has stated before me that learned Judge of the Court below has issued the Non-Bailable Warrant against the applicant. However, the said is yet to be executed. Learned Judge of both the Courts below, on appreciation of the evidence, as is brought on record, found that the applicant has issued a Cheque of Rs.90,000/- in favour of the non-applicant. Learned Judge of both the Courts below, after appreciating the evidence and considering the defence of the applicant, found that the applicant has committed the offence punishable under Section 138 of the Negotiable Instruments Act.

9. The powers of the Revisional Court are very limited. It is not expected from the Revisional Court to re-appreciate the entire evidence.

10. Learned counsel Shri N.S. Giripunje for the applicant was unable to point out anything to show that any perversity is crept in in any of the orders impugned. Nothing is pointed out to this Court that any inadmissible evidence was considered while holding the applicant guilty.

11. Thus, I see no reason to interfere with the well reasoned orders passed by both the Courts below couple with the fact that the

applicant has shown scanty respect to the orders passed by this Court and tried to hoodwink the law by making the statement that he will deposit the amount and obtained interim orders.

12. In that view of the matter, the applicant is not a person in whose favour any sympathy should be shown. Consequently, the revision is dismissed. Learned Judge of the Court below is directed to ensure enforcement of the Non-Bailable Warrant issued against the applicant in order to serve the jail sentence.

13. Accordingly, the criminal revision is dismissed and disposed of.

**JUDGE**

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