

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

**CRIMINAL APPLICATION No. 227 OF 2019
IN
CRIMINAL REVISION APPLICATION ST. No. 244 OF 2019**

Ilahi Mubarak Sande

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

.....
Mr.Umesh H. Pawar for the Applicant.

Mr.N.B.Patil, APP for Respondent No.1-State.
.....

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 15 APRIL 2019

P.C.:

1. Upon urgent mentioning, taken on production board.

2. This Criminal Application is moved by the applicant/accused for suspension of sentence and bail. The applicant/accused is convicted under section 138 of the Negotiable Instruments Act by judgment and order dated 30.03.2015 passed by the learned Judicial Magistrate First Class, Court No. 6, Islampur and sentenced to suffer R.I. for four months and directed to pay a fine of Rs. 1,00,000/-, and in default to suffer

further imprisonment of one month. The said order was challenged in Criminal Appeal No. 101 of 2015. The said Appeal was dismissed by judgment and order dated 01.11.2018 passed by the learned Additional Sessions Judge & DJ-1, Islampur.

3. The learned Counsel for the applicant/accused submits that the cheque amount is Rs.72,171/-. Out of the cheque amount, the applicant/accused has deposited Rs.30,000/- after conviction in the trial Court. He further submits that the applicant/accused was on bail throughout the trial and also during the appeal.

4. The learned Prosecutor is present and submits to the orders of the Court.

5. In view of the submissions of the learned Counsel and also as there is no chance that the Revision Application will be heard in near future, the application is allowed on the following terms:

i) The applicant/accused shall deposit a further sum of Rs. 10,000/- on or before 24.04.2019 in the trial Court and upon deposit of the same, the impugned sentence and conviction shall stand suspended, pending the Revision Application. The original

complainant i.e., respondent No.2 is allowed to withdraw the said amount upon furnishing an usual undertaking, as prescribed under the Negotiable Instruments Act;

ii) The applicant/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

iii) The applicant/accused shall make himself available on all the Court dates.

6. Criminal Application stands disposed of accordingly.
7. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)